

**TOWN OF GILBERT  
PLANNING COMMISSION STUDY SESSION  
COUNCIL CHAMBERS  
50 E. CIVIC CENTER DRIVE  
GILBERT, AZ  
FEBRUARY 7, 2018**

**COMMISSION PRESENT:** Vice Chairman Brian Andersen  
Commissioner Carl Bloomfield  
Commissioner David Cavenee  
Commissioner Greg Froehlich  
Commissioner Brian Johns  
Commissioner Joshua Oehler  
Alternate Commissioner Seth Banda  
Alternate Commissioner Daniel Cifuentes

**COMMISSION ABSENT:** Chairman Kristofer Sippel

**STAFF PRESENT:** Gilbert Olgin, Planner II  
Keith Newman, Planner II  
Ashlee MacDonald, Senior Planner  
Amy Temes, Senior Planner  
Nathan Williams, Senior Planner  
Principal Planner Catherine Lorbeer

**ALSO PRESENT:** Council Liaison Brigitte Peterson  
Attorney Nancy Davidson  
Recorder Debbie Frazey

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**CALL TO ORDER**

Vice Chair Brian Andersen called the February 7 Study Session of the Planning Commission to order at 5:05 p.m. Vice Chair Andersen said that Agenda Items 1 and 2 had not been properly noticed, so they would be moving those items to a future agenda. Vice Chair Andersen then called the first case.

- 3. GP17-1017, WILLIAMS FIELD LUXURY SENIOR LIVING: REQUEST FOR MINOR GENERAL PLAN AMENDMENT TO CHANGE THE LAND USE CLASSIFICATION OF APPROXIMATELY 5.21 ACRES OF REAL PROPERTY GENERALLY LOCATED A QUARTER MILE WEST OF THE SOUTHWEST CORNER OF HILGEY AND WILLIAMS FIELD ROADS FROM COMMUNITY COMMERCIAL TO RESIDENTIAL >25-50 DU/AC LAND USE CLASSIFICATION.**

Town of Gilbert Planning Commission  
Study Session February 7, 2017

**Z17-1027, WILLIAMS FIELD LUXURY SENIOR LIVING: REQUEST TO AMEND ORDINANCE NO. 1833 AND REZONE APPROXIMATELY 5.21 ACRES OF REAL PROPERTY, GENERALLY LOCATED A QUARTER MILE WEST OF THE SOUTHWEST CORNER OF HILGEY AND WILLIAMS FIELD ROADS FROM APPROXIMATELY 5.21 ACRES OF COMMUNITY COMMERCIAL (CC) ZONING DISTRICT TO APPROXIMATELY 5.21 ACRES OF MULTI FAMILY / MEDIUM (MF/M) ZONING DISTRICT WITH A PLANNED AREA DEVELOPMENT (PAD) OVERLAY.**

Amy Temes began her presentation on GP17-1017 and Z17-1027, William Field Luxury Senior Living. She shared the location on Williams Field Road just west of Higley. She said that there was a storage facility to the east and an auto repair facility and SF-10 residential housing surrounding the property on the other sides. She said the applicant is requesting a General Plan Amendment to change 5.21 acres from Community Commercial to Residential > 25-50 DU/AC Land Use Classification. However, she noted that there is not a zoning category that corresponds to that Land Use Classification. She said that under the Planned Area Development Section of the LDC, it is allowed for Senior Living to exceed the density that is listed in the Multi-Family / Medium (MF/M) category and ask for increased intensity/ density. She said the applicant is asking to increase the density up to 29.2 DU/Acre as part of their Planned Area Development (PAD). Planner Temes provided the Site Plan. She also shared the Development Plan. She said they have asked for a few modifications (as listed below):

The PAD Development Plan details the modifications requested for this project:

**Project Data Table**

<b>Site Development Regulations</b>	<b>Required per LDC CC</b>	<b>Required per LDC MF/M</b>	<b>Proposed MF/M</b>
Minimum Lot Area	N.A.	1,750 sf	1,352 sf
Maximum Building Height	35' / 2 story	40' / 3 story	34' / 3 story
Step-back Requirement	N.A.	10' at 3rd floor	10' at 3rd floor
Minimum Building Setback			
Front to ROW	20'	30'	30'
Side to residential	30'	30'	30' (69' provided)
Side to non-residential	15'	20'	20' (76' provided)
Rear to residential	20'	30'	30' (92' provided)
Minimum Landscape Area			
Front to ROW	20'	20'	20'
Side to residential	25'	20'	20'
Side to non-residential	15'	20'	5' requested on the east
Rear to residential	30'	20'	20'

Minimum Separation Between Buildings	10' single story 20' two story	20' single and two story 30' three story	20' single and two story 30' three story
Common Open Space	15%	40%	40%
Minimum Private Open Space	NA	60SF	45SF
Swimming Pool	NA	600SF	2,300SF
Community Center	NA	1,000SF	7,600SF
Children's Play Area	NA	400SF	0SF NA
Trees per unit	NA	1/unit	1/unit (1.2 provided)
Parking	NA		
Unit count		152	
Studio		22 x 1 = 22	18
1 bedroom		114 x 1 = 114	140
2 bedroom		16 x 2 = 32	12
guest		0.25/unit = 38	38
		206 parking spaces required	208 parking spaces provided
Covered		1 space per unit shall be covered = 152- enclosed = 114 (55%)	140 (67%)
Enclosed		of which 25% shall be enclosed = 38	12 (7%)

Planner Temes particularly noted that they are asking for the minimum Private Open Space to be reduced from 60 square feet to 45 square feet. She indicated that this request was due to the discussions with the neighbors at the neighborhood meetings. She said they didn't want a lot of balconies and patios facing the residential, so some of that has been cut back a bit to be able to accommodate that particular change, as well as the 10' stepback. She also pointed out that the Children's Play area was not really applicable to an age-restricted 55 or older product. She said that the proposed project is an apartment complex and is not a care facility or nursing home, but will be apartments for seniors. She shared that two neighborhood meetings had been held. She said that she believes the applicants did a really good job of working with neighbors and taking to heart the comments and concerns brought up during the first meeting. She specifically noted concerns about the 2-story buildings and some of the concerns with trees and shrubs, buffering and parking. She said a second neighborhood was held to show the neighbors the proposed concept. She said they had also worked with the neighbors to pick the adjacent plant material so that the neighbors with pools wouldn't have a nuisance issue. She said they also worked with garbage locations to try and move them more to the east side and away from the south and west sides near the residential living. She said they also moved some of the covered parking locations.

Planner Temes shared some perspectives of the proposed apartment complex, noting that these perspectives were shown to the neighbors at the neighborhood meeting. She reminded the Commission that the Design Review portion of the application was not in process as of yet, but the renderings gave an idea of what the project would look like. She said that they provided a lot of horizontal and vertical movement in the buildings. She said that change also was at the request of the neighbors, in an effort to push back some of the apartments so that the third floor, which would be the most visible, wasn't looming. She shared the elevations. Planner Temes finished her presentation and asked for input from the Commission.

Vice Chair Andersen thanked Amy Temes for her presentation and called for questions or comments.

Question: Joshua Oehler asked about the Open Space reduction. He asked Planner Temes to highlight the proposed changes.

Answer: Amy Temes said that the Open Space reduction is for the Private Open Space which is the patio and balcony areas. She noted that on the third floor they deliberately didn't put patios and balconies or they kept them at a minimum level. She explained that in trying to push those areas back and condense them, they were having trouble meeting the requests of the neighbors and meeting the 60 square feet requirement. She said there are very large Open Space areas in the middle of the courtyard. She indicated the location of the pool in the upper Open Space and the location of a passive Open Space down below. She said they are providing very nice amenities, but acknowledged that it still wasn't a balcony or a patio and she said she realizes that the Commission usually has concerns about Private Open Space.

Question: Joshua Oehler asked if the new Private Open Space number reflected an average or the smallest one.

Answer: Amy Temes said it was her understanding that it represented the smallest one.

Question: David Cavenee asked how wide the drive aisle was that went through the project.

Answer: Amy Temes said that Fire Code required it be 26 feet.

Question: David Cavenee asked if there were any concerns with it being just a single wraparound with no cut throughs.

Answer: Amy Temes said that Fire has seen the preliminary Development Plan and they initially had discussed it being gated, but other than that they didn't have any further comment except to make sure that they were within 15' to 30' of the building, so that a ladder apparatus could extend an aerial ladder. She said she had done some rough measurements and thought they were meeting that requirement.

Question: David Cavenee asked if Staff had any concern with the density. He said the project seems very dense. He said he appreciates that they are minimizing overlooks into the neighborhood, but he said it seemed very dense with that many units on that number of acres.

Answer: Amy Temes said that Staff is supportive of the project, noting that the project is within the Gateway Character Area and close to Cooley Station. She said they are looking for Multi-Family density in that area. She said Staff is not overly concerned with the density.

Question: David Cavenue asked what the adjacent property was along the east boundary.

Answer: Amy Temes said it was a storage facility with some outdoor RV storage and roll-up storage and there was also an automotive repair facility near Williams Field.

Question: David Cavenue asked if there was a required perimeter fence height that they were asking the applicant to meet.

Answer: Amy Temes said there is an existing wall around the property on three sides and said that it was between 7' and 8' on all sides.

Comment: David Cavenue said that a 7' or 8' wall should conceal the trash enclosures. He noted that they were on the non-residential side.

Comment: Carl Bloomfield said he was initially concerned with the density as well, because of the existing residential next door to the project. He said that it sounded like Staff had worked to address the concerns raised by the neighbors.

**4. DR17-1175, CHRISTIAN BROTHERS AUTOMOTIVE: SITE PLAN, LANDSCAPE, GRADING AND DRAINAGE, ELEVATIONS, FLOOR PLANS, LIGHTING, COLORS AND MATERIALS FOR APPROXIMATELY 0.75 ACRES, GENERALLY LOCATED SOUTH OF THE SOUTHWEST OF AUTO WAY AND PECOS ROAD, IN THE GENERAL COMMERCIAL (GC) ZONING DISTRICT WITH A PLANNED AREA DEVELOPMENT (PAD) OVERLAY.**

Nathan Williams began his presentation on DR17-1175, Christian Brothers Automotive. He said the application was a Design Review application for a 3/4 acre property located on Pecos Road. He said it is located within the Motorplex, but faces Pecos Road. He said the Commission had previously seen the Service King to the north of this site. He shared the Overall Site Plan, which had been approved about a year ago. He also shared the location of Enterprise Rental and Sales. He said that the Service King and the Christian Brothers Automotive would be accessed on two approved access points on Pecos Road. He said the access points had been constructed with the Service King development and the Christian Brothers Automotive would utilize the shared drive aisle. He said that one of Staff's biggest concerns was making sure they had a permanent secondary access point. He noted the location of the access point for Fire and Trash pickup and exit and the one for customer vehicles to enter and exit. Planner Williams shared the Landscape Plan. He shared a standard site design that Christian Brothers has used in other locations in the area. He indicated that the applicant desired to go CD's at-risk. He shared the elevations, noting that the elevations were fairly consistent with other Christian Brothers locations. He shared the colors and materials. He finished his presentation and asked for input on site design and architecture and if the Commission was comfortable with CD's at-risk.

Question: David Cavenee asked about the wraparound drive aisle on the Site Plan. He said he noticed a temporary retention basin just to the west of the site. He asked how that would be handled in the future. He asked if that was someone else's property and if it would have to be drained and coordinated later.

Answer: Nathan Williams said he wasn't sure if the temporary basin was for Pecos drainage, but he could ask the applicant. He said if it was for onsite drainage, then it would have to be addressed by the next development. He said he believes it is for onsite drainage, but that any changes to the retention would be addressed by future development.

Question: David Cavenee asked if they know who owns the adjacent property.

Answer: Nathan Williams said that the Motorplex owns it all and are just parceling it out.

Comment: David Cavenee said he thought the Site Plan was clean and thought it transitions well to its neighbor. He said he thinks the architecture is attractive for the use and they have appointed it quite nicely for an automotive repair facility.

Comment/Question: Brian Johns said he agreed that this was a good use for the area. He said the elevations were attractive and he thinks it fits well. He asked about the mechanical unit in the back. He said he believes that the Town allows it to be in the setback, but he wanted more clarification.

Answer: Nathan Williams said that mechanicals are allowed in the setback, but this is part of an overall commercial development, so they really don't have standard setbacks. He said he wouldn't look at that as a required setback, but more of a shared setback with the future development to the south.

Question: Brian Johns asked about the fact that you could see the mechanical unit coming into the site.

Answer: Nathan Williams showed the secondary access and said it was no different than the shared access drive along the front. He said it would be utilized for the other people around the area. He said it's the nature of that type of development because only one parcel at a time is developed. He said this access would have minimal traffic.

Comment/Question: Brian Johns said if that was the case and it was blocked from public view he wouldn't have a problem. He then asked about the handicap public access area where it looks like it is running parallel along the driveway. He said he didn't see an easier way to get it to the handicap spaces, but he asked for more detail regarding that.

Answer: Nathan Williams said that the Traffic reviewers had looked at the access and approved it. He said he could ask them to make sure that the ADA access is compliant.

Comment: Brian Johns said he thought the elevations matched very well and he welcomes the project to the town.

At this time, Vice Chair Andersen invited Alternate Commissioner Daniel Cifuentes to join the Commissioners on the dais, due to Chair Kristofer Sippel's continued absence. Daniel Cifuentes took his place on the dais.

At this time, Brian Johns declared a Conflict of Interest on the next case.

**5. DR17-1163, COMMERCIAL DEVELOPMENT FOR HHB: SITE PLAN, LANDSCAPING, GRADING AND DRAINAGE, BUILDING ELEVATIONS, COLORS AND MATERIALS, AND LIGHTING FOR APPROXIMATELY 4.43 ACRES, GENERALLY LOCATED AT THE NORTHEAST CORNER OF VAL VISTA AND RIGGS ROADS, AND ZONED SHOPPING CENTER (SC).**

Gilbert Olgin began his presentation on DR17-1163, Commercial Development for HHB. He told the Commission that this was a Design Review application. He shared the vicinity map, noting the location at the northeast corner of Val Vista Drive and Riggs Road. He stated that next to the site was a Valero gas station and Basha High School and Library was across the street to the west. He shared a Full Site Plan of the Commercial Corner. He said the project would be in two phases. He indicated that Phase I was shown in white and included Buildings A and B. He said that Phase II would include Buildings C, D and E. He pointed out the possible points of access, stating that the site is zoned Shopping Center (SC) and is part of a larger 16.64 acre site. He said this project was 4.43 acres in size. Planner Olgin shared the improvements that would take place during Phase I. He then shared the improvements that would take place in Phase II. He said the applicant has exceeded their parking requirements with over 150 parking spaces and the site has good circulation. He said initially they were proposing another entry point to the site, but that is no longer being considered. He shared the Landscape Plan, noting that they had provided a nice palette of desert landscaping, but he said there were a few gaps in the landscaping that needed to be resolved and they also weren't utilizing the theme trees that were required for the project. He said that the applicant planned to address the concern before the Public Hearing stage. Planner Olgin shared the Phase I elevations, noting that they have used different heights to break up the buildings quite nicely. He pointed out that Building A would house a coffee shop. He also shared that initially they would have one trash container in Phase I, but that they would eventually have three in total. He said they had done a nice job of using metal awnings to break up the massing. Planner Olgin shared a perspective showing the way the buildings would work together in Phase I. He then shared the elevations for Phase II. He shared the colors and materials and the Photometric plan. He also shared the Grading and Drainage plan, noting that the majority of the site would drain to the south. He said that Staff had no major concerns, besides the concerns regarding the landscaping, and those are being addressed. He told the Commission that the applicant was requesting CD's at-risk. He finished his presentation and offered to answer any questions.

Vice Chair Andersen thanked Planner Olgin for his presentation and called for questions or comments.

Question: David Cavenee asked about the Landscape Plan. He asked about the transition from the Valero property into the subject property, noting a gap that appears to be zoned and owned

by Valero, but he wondered if anything was planned for the area or if it was just a retention basin or a landscape island.

Answer: Gilbert Olgin said that he wasn't aware at this time of any plans for that portion of the property, but it was something he could check into.

Comment/Question: David Cavenue said it was something they might want to ask so they would know what was going to happen there. He indicated that it isn't currently showing landscape. He asked how the architecture of this property correlates with the Valero, pointing out that it didn't have to coordinate, but he wondered if there was any coordination between the two.

Answer: Gilbert Olgin said he thinks an attempt was made to try and correlate the two properties as best they could. He also said they tried to consider what else might be going into the site in the near future because there are two more lots that are going into the commercial development. He said they will be setting the bar for the future development.

Comment: David Cavenue said he agreed with Planner Olgin that they would be setting the bar and the architecture would be heavily driven by what they do on these first five PAD portions. He said he thinks that the color choices are varied. He said all the color palettes work well together. He also said he likes the material differences. He said his only concern was with the parapet cap. He thought on the north elevation of the proposed coffee shop, he wasn't seeing a lot of movement in the parapet height. He said he sees it in other elevations, like the north elevation of Building B, but he wonders if there isn't an opportunity to move a couple of those parapets up or down a little bit or possibly put a little more cap on it in a couple corners. He said in the rendered view it looks to be a typical, old western parapet look and they want to make sure it doesn't portray that way from the ground, but looks like a full return with a nice completion of the façade. He said otherwise he thinks the material use is good and he thinks that the canopies look nice.

Question: Greg Froehlich asked to see the Site Plan. He asked about the trash container that appears to be close to Building B. He said it is probably 150' to 200' away from Building A. He asked if there were any other proposed trash containers.

Answer: Gilbert Olgin said that there had been some concern with the trash containers in the beginning, so the applicant has made the accommodation in Phase II to make one of the enclosures larger. He said there wasn't much room on the site for trash containers, but there was also concern that the location might be too close to the coffee shop. He said that the applicant had agreed to the second enclosure and also to make some movement to the last enclosure that would be coming in Phase II of the development.

Question: Greg Froehlich said he would be interested in the traffic analysis that was done on this project. He asked if they anticipated a lot of peak hour traffic for the coffee shop. He said he was concerned if the traffic backs up into the Valero during peak traffic hours, it would block the access.

Answer: Gilbert Olgin said there had been some concern about the coffee shop being something like a Dutch Bros with the type of traffic they have, which would create some problems. He said he was reassured by the applicant that this coffee shop would be more of a mom-and-pop type of coffee shop, so they don't anticipate a large amount of traffic.



Comment: Joshua Oehler said that his main concern was that they are putting in a drive-thru and they can't design around whether or not it is a mom-and-pop operation or a Dutch Bros or a Starbucks. He said they always hope all of the businesses in Gilbert do quite well no matter what type they are. He said in terms of size, it looks like a larger coffee shop in terms of scale, versus a smaller one like a Dutch Bros. He said he doesn't know exactly where they could get a little more run, but suggested the possibility of resetting the drive in an effort to add one more car. He said they have an exit drive and it might be possible to reshape the building so that they could squeeze the drive-thru canopy another 20 feet down the building. He said that would allow for one more car. He said he wouldn't want to design around and put limitations on a coffee shop, no matter who they are. He said thought it was a good idea to allow for additional queuing if possible.

Vice Chair Andersen asked Gilbert Olgin if they had provided enough direction. Gilbert Olgin answered affirmatively.

**6. DR17-1178, THE LAKES AT ANNECY: BUILDING ELEVATIONS, FLOOR PLANS, AND COLORS AND MATERIALS FOR A 216 UNIT MULTI-FAMILY RESIDENTIAL COMMUNITY ON APPROXIMATELY 10.97 ACRES, LOCATED AT THE SEC OF VAL VISTA DRIVE AND BOSTON STREET IN THE MULTI-FAMILY LOW (MF/L) ZONING DISTRICT WITH A PLANNED AREA DEVELOPMENT (PAD) OVERLAY.**

Ashlee MacDonald began her presentation on DR17-1178, The Lakes at Annecy. She shared the location of the project on the east side of Val Vista Drive south of Boston Street. She said the Santan Village area was east of the project. She said the property is zoned Multi-Family / Low (MF/L) with a PAD. She said the portion of the project they are looking at today is a total of 10.97 acres. She said that the property was originally platted in 2004 and the standard plans were approved in 2005. She said that development did commence at that time, but the recession came and the community was never completed. She said at this point, a developer has come in and they have picked up the remaining 216 units to be developed within this phase. She said they don't have rights to the plans that were approved previously, so they are looking at getting some new plans approved to develop within the area. She said that because this is within an existing community that has a little less than half of the units built out, they want to ensure that what the applicant is proposing is compatible with what exists presently. She said the applicant is meeting all of the Development Standards that have been previously approved. Planner MacDonald said they are processing an amendment to the Final Plat to accommodate the changes they are making to some of the floor plans. She said they are planning a total of six different floor plans that range in size from 1,400 square feet to 2,200 square feet, with both 2- and 3- story units. She said they are also proposing some detached units. She shared renderings of some of the elevations, pointing out that they have a total of three different plans: French Country, Rural Mediterranean and Spanish. She called attention to some of the materials they are planning. She also showed the elevation for the Detached product. She said that in terms of massing, they were very similar to what has already been approved in the development. She said they don't have the third floor setback that they require of developments now, but that was part

of their PAD, so it was not a requirement of this development. She also shared a street scene that the applicant had provided, which showed quite a bit of diversity. Staff has been assured that no two color schemes or elevations will be next to each other.

Planner MacDonald said that Staff was looking for feedback on how these new plans fit in with what is existing. She shared a side-by-side comparison of what exists and what they are looking at in terms of new development. She pointed out that the existing home has some unique window features and a significant amount of stone around the windows. She said that the new plan incorporates the same tile around the entryway and the windows and they also have some wrought iron accents. She asked for feedback as to whether the applicant has gone far enough in keeping the high standards that have already been approved and built in the community. She shared another side-by-side example of their French Country offering. She also showed a side-by-side example of one of the 2-story units for comparison. She said she also had gone to the site and taken some pictures of the actual homes so that the Commission could see what the homes actually look like and what they have turned into out in the community. She said the homes have a lot of character, so it is important that these new plans fit in well. She shared colors and materials, noting there is quite a bit of diversity. She said that the proposed colors and materials are in keeping with the existing colors and materials. She finished her presentation and asked for feedback from the Commission.

**At this time, Greg Froehlich declared a Conflict of Interest on the current item (Item 6), as well as Item 7 and 8.**

Comment/Question: David Cavenee said he appreciated the comparisons that Planner MacDonald had provided. He said that really helps them to see what had been originally approved. He said he understands the main question is whether the applicant has done a good enough job of designing these in a way that fits in with the existing community. He asked if these comparisons had been shared with the developer.

Answer: Ashlee MacDonald answered affirmatively that the developer had seen the side-by-side comparisons. She said that the applicant has come a really long way and made some great strides in coming closer to what exists. She said she applauded the applicant on their efforts.

Comment: David Cavenee said that some of his initial reaction when he looks at the images in the packet, is that he thinks they have applied the right materials, but he thinks some of the components don't go far enough, specifically the high-pitched roof. He said he wasn't really seeing that in the proposed design. He qualified that he wasn't an architect and said he would defer to the Commissioners that were architects, but he said it looked like more of a standard slope on the roof they have. He said he would like to see it pitched higher and the stone brought a little bit more towards the top. He said he agrees with Staff's concerns regarding the new designs. He said he sees a lot of plain stucco finish through many of the plans, with just a small amount of stone and a little bit of wrought iron here and there, but he isn't seeing what he saw in the existing designs. He said he would encourage a little more effort in the application of the specific style, whether it was French Country or Spanish.

Comment/Question: Joshua Oehler stated that he is one of the architects serving on the Commission. He said that he drives by this area all the time and sees the empty lots, so he applauds the developer for coming back and trying to do an infill project. He also said he can understand the difficulty in having a set of drawings that you are trying to recreate, without having the actual drawings. He also said he understands that they would want to add their own nuances to the design. He said if this design was coming to the Commission today, it would have a whole different type of look and it would have many issues that they would have to deal with. He said he doesn't think a design like this one, would start off in front of the Commission at this point in time, so it is difficult to try and match what is there. He said the reason this design is working is because of all the character in the building. He said the character of what is existing is why this community works. He said he thinks the developer needs to push and strive to get to that next level as this shows a great difference in stonework. He asked to see Plan 5XA. He said this design is very bland, with cut-off roofs and punch-out windows. He said there are no ties, no lines, and no movement. He said these look like the applicant was trying to get close to the previous design and just trying to tack on the extra items. He thinks the applicant is trying, but he thinks they are far away from achieving some of the character items that make this development work.

Comment: Vice Chair Andersen said that he would agree with the other Commissioners and Staff on the elevations. He said he believes the existing development has set a strong precedent and they need to tweak what has been presented and add a little more to achieve a level that meets the existing development. He thinks they can achieve this by putting more detail into the elevations.

**7        .Z17-1021 GILBERT TOWN CENTER: REQUEST TO AMEND ORDINANCE NO. 2509 TO AMEND THE CONDITIONS OF DEVELOPMENT AND THE DEVELOPMENT PLAN WITHIN THE GILBERT TOWN CENTER PLANNED AREA DEVELOPMENT (PAD) FOR APPROXIMATELY 14.69 ACRES OF REAL PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF GILBERT AND WARNER ROADS, CONSISTING OF APPROXIMATELY 14.69 ACRES OF REGIONAL COMMERCIAL (RC) ZONING DISTRICT WITH A PLANNED AREA DEVELOPMENT OVERLAY.**

**DR17-1137: GILBERT TOWN CENTER PAD: SITE PLAN, LANDSCAPING, GRADING AND DRAINAGE, BUILDING ELEVATIONS, COLORS AND MATERIALS AND LIGHTING FOR APPROXIMATELY 14.69 ACRES, GENERALLY LOCATED THAT THE SOUTHEAST CORNER OF GILBERT AND WARNER ROADS AND ZONED REGIONAL COMMERCIAL (RC) WITH A PLANNED AREA DEVELOPMENT (PAD) OVERLAY.**

Ashlee MacDonald began her presentation on Z17-1021 and DR17-1137, Gilbert Town Center. She said the request is to amend a portion of the PAD. She said the original PAD included the

Multi-Family component which is the Broadstone Development that exists today. She said they want to make sure that this is a quality development that draws those residents that live in the Multi-Family development to the site. She said the connection that has been provided is just south of the Banner site, since they aren't immediately adjacent to one another. She said they want to make sure this creates a good pedestrian environment and is a great center that the residents are attracted to. She said the site is currently vacant. She indicated that Banner was to the east. She said the overall site is 25 acres. She said the portion they are considering is a 14 acre portion on the corner of Gilbert and Warner Roads. She said the applicant has proposed two deviation requests (shown below in bold):

**Project Data Table**

<b>Site Development Regulations</b>	<b>Required per LDC</b>	<b>Proposed</b>
Maximum Building Height	55'	35'
Minimum Setback		
Front to ROW	25'	25'
Side to ROW	20'	<b>10' (along Gilbert Rd)</b>
Side to non-residential	20'	20'
Rear to non-residential	20'	20'
Minimum Landscape Setback		
Arterial Intersection	50' x 250'	<b>10' depth along Gilbert Road 25' depth along Warner Road</b>
Front to ROW	25'	25'
Side to ROW	20'	<b>10' (along Gilbert Rd)</b>
Side to non-residential	20'	20'
Rear to non-residential	20'	20'

Planner MacDonald said that in addition to the deviation requests, they are looking at an amendment to their overall Development Plan. She called attention to the Development Plan which was approved when they received approval of their PAD and the Use Permit which allowed Multi-Family in Regional Commercial. She said this Development Plan showed office type uses clustered towards the center of the site with a couple of PAD sites, one along Gilbert Road and one along Warner Road. She said they are looking at an amendment to that Development Plan with this PAD amendment. She said the other request with this is for a deviation for the arterial intersection landscape requirement. She said Code requires a 50' x 250' landscape corner. She said they are proposing a 10' x 250' landscape setback along Gilbert Road and 25' depth along Warner Road. She said that some of the reasons that the applicant feels would justify this request is the larger than normal right-of-way along Warner Road. She pointed out that there are utilities, as well as a canal along that road, which would result in a net landscaping of 43'. She acknowledged that this was still shy of the required 50' but was still a lot closer than the 10' that is listed. She said they are also requesting a reduction of the setback along Gilbert Road to bring the buildings closer to the street. She said they are proposing a pedestrian node on the corner. She said the net effect of the landscaping within that 250' of the

arterial intersection, from a square footage perspective, is about the same. She said the question before the Commission is whether this provides the same kind of visual that they are looking for and if this change would meet the intent. She said they are also requesting a building setback of 10' along Gilbert Road to reduce the setback to draw those buildings closer towards the roadway to activate the pedestrian environment. Planner MacDonald then discussed access and connections. She shared the connection to the apartments that they are maintaining. She said that Staff has tried to work with the applicant to make sure that this is a very pedestrian friendly development. She said they are proposing two drive-through's on the site, so there is a traffic component to it. She said they really wanted to make sure that as people make their way to the site that they are able to navigate through it well. She showed the location of the two proposed pedestrian nodes. She shared the Site Plan, noting that Shops A and B at the corner are part of Phase I, as is Major A. She said they have a number of access points: two along Gilbert, two along Warner and one along American Heroes Way. She said the traffic report is still under review, so the turning movements at the intersections have not been finalized yet. She shared the Landscape Plan. She said they are also proposing some hardscape amenities like pavers, pedestrian pathways and seat walls. She said there is some question as to where the seat walls will be located. Staff wants to make sure that within the pedestrian nodes there are some landing spots for people to sit and spend some time. She shared the Building Elevations, noting that they are very contemporary with a lot of vertical movement.

Planner MacDonald shared some renderings that showed the proposed design. She said there are still some outstanding questions about some of the materials they are proposing. She shared the Colors and Materials board. She finished her presentation and asked for feedback on the deviation requests, whether the site is integrated with the Multi-Family and if the Commission believes it will draw pedestrians to the site, as well as overall feedback on the architecture. She said the applicant is requesting CD's at-risk.

Comment/Question: David Cavenee said he is excited about this project and has been waiting for it to come before the Commission. He said he thinks it is key to decide what to do with the setbacks around the intersection. He said he has tried to understand the surrounding area to determine the need for this request. He said there is commercial development across the street and he doesn't think that is going to tailor what happens on this side of the street, because it is a wide road and it is offset a bit, so he didn't think they really needed to consider that in terms of impact. He also said he doesn't think the Shell station to the north plays in either. He said he doesn't see any impact from the existing properties that would drive them to maintain the larger setback. He said he feels that bringing these buildings closer to the street could be beneficial from a pedestrian perspective. However, he said he thinks the intersection is a hard intersection because of its heavy use. He asked about the trail system that comes in at an angle. He asked how that trail crosses the street and if they are required to come up to the intersection and cross at the crosswalk or if there was some other crossing location to reach the pedestrian node that has been created.

Answer: Ashlee MacDonald said it was her understanding that they must cross at the intersection.

Comment: David Cavenee restated that they would work their way up to the intersection and then cross and work their way into the development. He said his initial comments regarding the setbacks is that he was agreeable to the deviation as long as they create the pedestrian node. He said it is greenscaped nicely and is an attractive corner, so he thought it was fine to bring those buildings in toward the street and work the corner a little better. In terms of the architecture, he said that one of the things they anticipated when they got the first half of this mixed-use project, was that it would correlate with the other half of the mixed-use project in terms of finishes, materials, colors and architecture. He said he sees no relevance to the existing mixed-use. He said he thought that needed some work. He said he didn't think it needed to be exact, but he thought that because it is considered a mixed-use development and is linked with the path between the two, that it ought to be connected in that way also. He said this had been suggested at the time of initial submission of the apartments. He said that it was also supposed to translate into other signage type elements. He thought they needed to see that and make sure it correlates. He said he hasn't seen a lot in the packet regarding the trail, but he thinks they need to find a way to make the trail more enticing and more user friendly. He thinks it is currently just a gravel trail. He said as it is, it may not be enough motivation to push people from the apartment complex up into the development. He said overall, he doesn't mind the modern architecture and said he thought it would tie into the surrounding area quite nicely. He said he thought it could use more of a correlation to the apartments and they could bring more enthusiasm to some of the elements and materials.

Comment/Question: Joshua Oehler said he has also been waiting for this project to come before the Commission, noting that he was on the Commission when this came through previously as a mixed-use development. He said at that time, they proposed this as an idea, but it wasn't what they were proposing and they were told a whole new idea would come to them at a later date. He asked if the Development Plan was a placeholder or if it was what they are trying to design around.

Answer: Ashlee MacDonald said that the Development Plan that she presented to the Commissioners was part of the Ordinance as the Development Plan. She said they are looking to amend that to incorporate something similar to this. She said they haven't necessarily laid out the PAD sites, but they are looking to reconfigure the buildings to allow them to go closer to the street, versus being laid out in a centralized fashion like they were in the original plan.

Comment: Joshua Oehler said he also didn't have an issue with the setback deviation, but he said his issue is that the trail path was promoted as a key element for connectivity between the two portions. He said it looks like the trail path goes to the sidewalk and then the sidewalk comes across and it is any other typical shopping center connection. He said he envisioned that the trail path would have a linear diagonal turn back into the center with full pedestrian connectivity, because it was originally brought to them as mixed-use. He said right now, the trail

path comes right into a parking lot and there is no connectivity on that corner. He said he isn't seeing the connectivity that he desires at all. He said he sees that they are trying to show how they are connecting in the right-of-way and taking the sidewalk, but he doesn't see how it connects back into the site. He said that is his concern on the site itself. In regards to the architecture, he also said they were told they would have like architecture, like signage, and like vegetation, so that when you looked from one property to the other, it would feel like it was one property. He isn't saying that they have to look alike and have the same exact design, but he thinks they need to carry some of the elements and materials through. He said right now all he sees is stucco and some metal awnings. He said they need some variation in materials on the building. He said there is no materials used, only stucco. He said he doesn't have a problem with the architecture itself and the modern design, but when you do modern, you have to pay attention to the lines and the materials, because the materials are what drive a modern, sleek design. He stated that if you get to a very basic stucco and just have boxes, it looks cheap. He said they need to get some variation into the material use and how it works and how it connects back to the other property. He said they also haven't talked about the connectivity of the two properties in terms of signage. He said he likes that they have some movement of 1- and 2-story designs and he is glad to see some movement in the buildings themselves. He said he really wants to see the connectivity between the two components because that was what was sold to the Commission previously, which allowed the apartments to come through the first time and he thinks the applicant has completely ignored that fact.

Vice Chair Andersen recessed the Study Session at 6:02 p.m. He said they would reconvene the Study Session after the Regular Meeting of the Planning Commission. He told the members of the audience that there would be a short break and they would begin the Regular Meeting at 6:10 p.m.

Vice Chair Andersen reconvened the Study Session at 6:24 p.m.

**8. ST17-1011, LAKEVIEW TRAILS: FOUR (4) NEW STANDARD PLANS (1, 2, 3 AND 4) BY MARACAY HOMES, LLC ON LOTS 269-360, GENERALLY LOCATED NORTHWEST CORNER OF WARNER AND RECKER ROADS AND ZONED SINGLE FAMILY - 8 (SF-8) ZONING DISTRICT WITH A PLANNED AREA DEVELOPMENT OVERLAY.**

Gilbert Olgin began his presentation on ST17-1011, Lakeview Trails Parcel D. He shared the location of the project at the northwest corner of Warner and Recker Roads. He said the site is bordered by other Lakeview Trails subdivisions to the north, east and west. He said directly across the street from the site is a fire station. He stated that the property is zoned Single Family – 8 (SF-8). He introduced four new standard plans for 92 single family lots. He said the architectural themes include Ranch, Transitional Farmhouse with Modern Elements and Prairie. He said the homes range from just under 3,000 square feet to almost 5,000 square feet. He said the project will include both single story and 2-story homes. He shared some of the details of the

different architectural elements which included porches, side-entry garages, and three or four car garages. Planner Olgin shared the Front Elevations, noting that Plan 1 and 2 are single story and Plan 3 and 4 are 2-story. He said that Staff had worked with the applicant to make sure that none of the designs looked alike and that they would each have their own distinct identities. He also said that Staff was pleased with the quality level of the designs. He said the applicant had used a lot of windows and they had done a good job of breaking of the roof lines. He shared the rear elevations, noting again the use of windows, as well as patios. He also shared the right elevations. He then shared the Plot Plans and Colors and Materials board. He said he thought the applicant had done a good job bringing in colors that would complement the area. He said on a couple of the elevations, the applicant wanted to bring in a metal roof element. He then pointed out the metal roof elements on two of the elevations, noting that it fit in better with the first example than it did on the second. He said he was somewhat concerned with the maintenance issues that the use of metal might create and asked for feedback from the Commission as to whether they had similar concerns. He said the use of metal is a popular trend in Gilbert, as well as other communities. He finished his presentation and asked for input from the Commission.

Question: David Cavenee asked to see the elevation with the element that Planner Olgin had been referring to. He asked what the material was that was being used.

Answer: Gilbert Olgin said it was a metal roof.

Question: David Cavenee asked to clarify that it wasn't some type of material that would allow sunlight to shine through.

Answer: Gilbert Olgin answered that sunlight would not show through the material. He said that he had provided the different colors of metal that they were proposing to use in the Commission packets.

Comment: David Cavenee said that he thought a variation in materials was a good idea, but said he would be a little worried about the sound impact when it rained on the metal patio. He said that because he is supportive of a variety of materials, he wouldn't be too troubled by the use of metal in the design. He said that overall, the elevations look nice. He said that overall he thinks these are attractive elevations. He said he believes there is enough variation in color and scheme.

Comment: Joshua Oehler said that his issue with the metal is that, although it might be a current trend, trends don't always mean it is the right thing to do. He said the reason they don't see much metal in Arizona is because they are a maintenance issue over time. He said even if they are powder-coated, they still fade and peel over time. He said if they choose to use it, even though he doesn't quite understand it, it is ultimately the applicant's choice if they think a difference in material helps the design. He said he doesn't see how it integrates into the space when you have this big space and then you have this little patch of metal. He said if they defined it and gave it its own element, but as it is, it looks like they are just trying to use the metal for the porch area, but it has no design element. He said he thinks it just looks like a patch on top of the



roof. He suggested that they try and integrate it and have a reason for it, instead of just putting it there. He said overall, he thinks they have done a good job on the homes, but he had some concerns with the Farmhouse design with three birdhouses on top. He said usually you see these type of windows spread out to provide more balance, but in this case they are all together. He said he thinks the applicant is trying to use creative elements, but they aren't putting them in the context of the architecture. He said he feels that the designs are almost there, but he would like to see them tweak the designs a little. He thinks that overall, in design, for the style of houses, they have done a good job in use of different materials, but he isn't sure about the standing seam metal accent roof and how it was used.

Comment: Daniel Cifuentes said that he had an issue with some of the massing on the same elevation that Commissioner Oehler was referring to. He suggested reducing the amount of play on the right. He said it looks like a board and batten on the front rooms, but then it kind of stops and it appears to be stucco underneath when it gets under the patio where the two doors are located. He was concerned with the way that transition would work. He said you wouldn't see it because it was behind a column, but he said there wasn't a lot of surface area at that front elevation from the board and batten to fully express itself. He also said he was concerned about the standing seam metal accent roof. He said it was kind of a resolution issue for waterproofing and also was concerned with how they would tuck it under and flash it so that it wouldn't leak. He said if it leaked that would cause warranty issues down the road.

Response: Gilbert Olgin said that the maintenance this element might create, was one of his first concerns. He said he would talk to the applicant about this concern.

Question: David Cavenee said he wanted to look at another elevation. He asked if he was seeing more of the metal in the B Farmhouse elevation.

Answer: Gilbert Olgin answered affirmatively.

Question: David Cavenee asked if the whole darker gray section was metal.

Answer: Gilbert Olgin asked if he was referring to Plan 2 or Plan 3.

Comment: David Cavenee said he was looking at B Farmhouse, Scheme 5, Plan 1B.

Response: Gilbert Olgin said he believed they were using metal in that design.

Comment: David Cavenee said it appears to be a theme they are following, but he said given some of the other concerns expressed, Planner Olgin might want to discuss this further with the applicant.

Question: Brian Johns asked about the first elevation that Planner Olgin had shown. He asked which design that rendering was. He said it has a very unique design, but he wasn't able to match it up to one of the designs.

Answer: Gilbert Olgin said that he isn't sure that this rendering is one of the designs, but was shown more as an example. He said it was more to show how it could look.

Comment: Brian Johns said he liked the reveal and the mass, but he just couldn't match it up to a particular design. Regarding the metal panels, he said he thought it was up to the developer, if that is what they want to express, and they can get someone to buy their home because of the element. He said you can tuck the metal under, but you have to go quite a way under the tile to keep it from leaking. He said that Commissioner Oehler is right when he said that metal has a hard time keeping their color in Arizona. He said that overall, he thinks the elevations are nice, though typical. He said he has some issues with the rear elevations and doesn't feel that they carried through on 4-sided architecture. He said the backs of most of the designs are very plain. He said he realizes that there won't be a lot of people that will see the back of the homes, but the neighbors will. He thought they should design with a little more 4-sided architecture, especially on the 2-story designs. Overall, he said they have a lot of diversity in the plans and thought they were very nice.

Comment: Vice Chair Andersen said that he likes the architecture and thought the applicant did a nice job with everything. He said he likes the metal roofing element and thinks it provides a different cool material to add to the design. He said that look has been around for a long time back east. He said it is usually done on the porch area and back east the material they use is usually copper, so over time it gets a nice green patina and looks very nice.

9. **DR17-1153, HIGHLINE CAR CARE: SITE PLAN, LANDSCAPING, GRADING AND DRAINAGE, BUILDING ELEVATIONS, COLORS AND MATERIALS, AND LIGHTING FOR APPROXIMATELY 1.02 ACRES, GENERALLY LOCATED AT THE SOUTHWEST CORNER OF BASELINE AND COOPER ROADS, AND ZONED LIGHT INDUSTRIAL (LI) WITH A PLANNED AREA DEVELOPMENT (PAD) OVERLAY.**

Gilbert Olgin began his presentation on DR17-1153, Highline Car Care. He shared that this was a Design Review application for an automotive repair center. He shared the location of the site at the southwest corner of Baseline and Cooper Roads. He said the site is just over one acre in size and is zoned Light Industrial (LI). He said it is in an existing Light Industrial commercial center called Fuller Commercial Center. The subject site is off Merrill Avenue and Marvin Street. He said there is an existing SRP electrical yard to the east. He also pointed out a retention basin to the west. He shared the Site Plan. He indicated the two points of ingress and egress. He shared that the first access point to the north is a one-way out only, but it is open for emergency vehicles in the event of an emergency. He said the other access point is to the south. He said the site has good circulation. He told the Commission that Staff had to tweak the circulation plan to make the parking stalls fit correctly for Code requirements. He said they have 28 parking stalls. He said the facility will have eight service bays. He shared the Landscape Plan. He shared the elevations, noting that he thought they had done a decent job for this type of use. He said they used some creativity in their use of materials. He said that the service bays go all the way through. He shared the Photometric Plan. He said they are working with the

applicant on their Lighting Plan because they need some more lighting on the back side. He said these concerns should be resolved before Public Hearing. He also shared the Grading and Draining Plan, noting that they have a retention basin, so the entire Fuller Commercial Center was designed so that the drainage would go to the vacant retention basin. He finished his presentation and asked for input on the architecture.

Comment: Joshua Oehler said that overall, he thinks they did a very good job. He said it is a little plain, but they had created a lot of movement in the building. He also pointed out that it was an automotive repair facility so it seems adequate. He said his only comments would be in continuing their design, they left the west side kind of bland. He suggested the possibility of continuing the blue line and making it come around. He said they have the blue line on the south side and then it just stops and doesn't carry around to the west side. He thought they should continue the architecture by carrying the line around. He said they could also consider continuing a vertical element. He said they have a little portion that breaks up the mass, but he thought they could try to do something that would give that west side a bit more feel to it. He thinks that overall the building turned out pretty good.

Question: Brian Johns asked if there was a pedestrian connection.

Answer: Gilbert Olgin said there was not. He said they do have a sidewalk in front of the property.

Question: Brian Johns asked if it wasn't a requirement to have a pedestrian connection.

Answer: Gilbert Olgin said he would have to check to see if it was a requirement, but he said he thought it might be different because of the size of the site and the fact that it was Light Industrial.

Comment/Question: Brian Johns said it would be good to look into it. He asked if there was a sidewalk on the street.

Answer: Gilbert Olgin answered affirmatively that there are sidewalks that wrap around the front of the site.

Comment: Brian Johns said he didn't think the fact that it was an industrial area alleviates the need for a connection. He said he would appreciate Planner Olgin checking into it. He said other than that he didn't have any issues with the architecture and said the colors are very similar to the area where the project is going. He noted there wasn't a lot of play with the awnings that are over the windows. He thought they might want to look at those, because the proportion didn't sit well with him. He said it looks like a good project overall.

Question: David Cavenee asked if the project was gated.

Answer: Gilbert Olgin said it was not.

Question: David Cavenee asked if there was a trash enclosure. He acknowledged that he might just be missing it on the design.

Answer: Gilbert Olgin pointed it out in the upper corner, but said it was kind of hard to see.

Question: David Cavenee said he noticed that the adjacent uses are all industrial, but he wondered what the height of the wall was. He said it looked to be an 8' block wall. He asked if Staff was fine with that wall. He went on to say that it actually looks like it has an existing 6' to 7' block wall to the west. He asked if it was a solid wall.

Answer: Gilbert Olgin answered affirmatively.

Comment: David Cavenee said he thought the site was fine and didn't see any problems with it.

Comment: Joshua Oehler said he had one other issue that concerned the ADA route. He said he believes you need a connection to the street and it doesn't matter if it is an industrial site or not. He also said that on one set of plans, it looks like they have a bicycle ramp and the striping goes into the bicycle racks, but on the other set of plans, they have a larger ramp. He said he would want to make sure to coordinate that the access properly gets to that area. He said making sure they get that connectivity is key.

**10. UP17-1045: CITY GATE APARTMENTS: A CONDITIONAL USE PERMIT FOR APPROXIMATELY 10 ACRES OF REAL PROPERTY LOCATED AT THE SOUTHEAST CORNER OF HIGLEY ROAD AND MICHELLE WAY TO ALLOW A MULTI-FAMILY RESIDENTIAL USE IN THE REGIONAL COMMERCIAL (RC) ZONING DISTRICT WITH A PLANNED AREA DEVELOPMENT (PAD) OVERLAY.**

**DR17-1200, CITY GATE APARTMENTS: SITE PLAN, LANDSCAPING, GRADING AND DRAINAGE, BUILDING ELEVATIONS, COLORS AND MATERIALS, AND LIGHTING FOR APPROXIMATELY 10 ACRES, FOR A 249 UNIT MULTI-FAMILY RESIDENTIAL COMMUNITY, GENERALLY LOCATED AT THE SOUTHEAST CORNER OF HIGLEY ROAD AND MICHELLE WAY, AND ZONED REGIONAL COMMERCIAL (RC) ZONING DISTRICT WITH A PLANNED AREA DEVELOPMENT (PAD) OVERLAY.**

Nathan Williams began his presentation on UP17-1045 and DR17-1200, City Gate Apartments. He stated that this was two applications: one was a Use Permit and the other was a Design Review application. He stated that they are running concurrently. He said they are both in review, but 1st review comments have not been issued yet. He said the site is 10 acres located in the City Gate area of Regional Commercial at the southeast corner of Higley and Baseline. He said the City Gate development has been developing over the last few years with hotels and assisted living facilities. He said a storage facility is currently in review. He also indicated there would be a Fry's directly to the north of the site on a 21 acre site. He showed an aerial map to

provide overall context of where this site is in proximity to the other City Gate developments that are occurring. He said the two buildings that are currently being constructed are the assisted living and the senior living components. He said they are requesting a Use Permit to allow Multi-Family uses in Regional Commercial (RC) zoning. He said they are looking at 249 units over the 10 acres, so it would be a dense development. He said the overall City Gate site is 61 acres. He said that one of the findings that must be met for Multi-Family in Regional Commercial is a mixture of uses. He said that Staff feels that many of these examples demonstrate how they do have a mixture of uses on the site. He reminded the Commission that for any Use Permit to be approved, it must meet four standard Findings of Fact (see below). He also said there are four additional Findings of Fact required to approve a Use Permit to allow Multi-Family in Regional Commercial (see below). He reminded the Commission that the additional four Findings to allow Multi-Family in Regional Commercial were recently approved by the Planning Commission and they will be going to Council on March 8.

The required Findings of Fact are listed below:

***Use Permit Findings of Fact - Multi-Family Residential in Regional Commercial***

The Planning Commission is required to make four findings in order to approve a Conditional Use Permit and four additional findings to allow Multi-family in Regional Commercial. These two sets of findings are listed below for your consideration during the Study Session discussion. Staff notes follow the findings statement.

1. The proposed use will not be detrimental to health, safety, or general welfare of persons living or working in the vicinity, to adjacent property, to the neighborhood, or to the public in general. ***Staff notes:*** *The multi-family use is a compatible use adjacent to congregate care, commercial, retail and hotel uses. Infrastructure for access and circulation between uses exists today and blends well with the proposed project. All internal streets are private and have access easements.*
2. The proposed use conforms to the purposes, intent, and policies of the General Plan and its policies and any applicable area, neighborhood, or other plan adopted by the Town Council. ***Staff notes:*** *This project conforms to the General Plan by proposing appropriate uses and densities in a mixed use environment.*
3. The proposed use conforms to the conditions, requirements, or standards required by the Zoning Code and any other applicable local, State, or Federal requirements. ***Staff notes:*** *This project meets LDC regulations as noted above.*
4. The proposed use, as conditioned, would not unreasonably interfere with the use and enjoyment of nearby properties. ***Staff notes:*** *This project is located in the Regional Commercial zoning district and this use is situated in the center of a commercial project with more intense uses on all sides.*
5. Mixed Land Uses. The project is a mixed-use development where land uses are mixed on-site or are mixed in combination with adjacent uses (existing or planned). A mixed-use development is an efficient integration (horizontally or vertically) of non-residential

and residential uses that cultivates a sense of community in a live, work, and play environment. **Staff notes:** *This project is utilizing a parcel completely surrounded by existing or approved development along with existing infrastructure to support the proposed use. Integration is enhanced with City Gate design guidelines that provide a sense of coordination among all users. This will be seen with landscaping, lighting, street furniture, architecture and signage. Pedestrian connections and nodes are strategically located for walkability and interaction. These connections are planned to reduce vehicular trips and provide the opportunity for socialization between the users.*

Multi-Family Use in RC Zoning Guidelines that appear to be demonstrated:

- 1.1 - Provides a meaningful blend of land uses that are, planned and implemented as one, coordinated and unified mixed-use project.
  - 1.2 - Combines multi-family residential and commercial uses, which are arranged vertically (in multiple stories of buildings) or horizontally (with inter-related building placements and physical connections).
  - 1.3 - Offers a mix of land uses in each phase of development and provides significant functional and physical blending of project components.
  - 1.4 - Designed in such a way that is fully integrated with other land uses within the mixed-use development, meaning that the other land uses are within a comfortable walking distance and are connected to the proposed use with: shared amenities; shared open space or active gathering places; and direct, convenient and pedestrian friendly sidewalks and/or pathways.
  - 1.6 - Includes non-residential uses within walking distance (600 ft. max.) of dwelling units, reducing the number of vehicle trips and traffic congestion.
6. Sustainability through Compact Design. Site layout is compact and configures buildings, parking areas, streets, driveways and gathering places in a way that lessens dependence on automobiles, and reduces impacts on the natural environment. Parking for the multi-family residential component meets multi-family residential parking requirements or an approved “shared parking” model. **Staff notes:** *As noted above, pedestrian connections are planned with nodes in strategic locations. These nodes have benches, shade, low lighting with bollards, and trash receptacle. Structures are located hugging the street to provide an urban feel and private outdoor areas will bring life to the street. This design also lessens the amount of perimeter fencing. The main entrance is designed to line up with the commercial center to the north. Amenities within the site are convenient to the residents. Landscaping, lighting and street furniture play a role in unifying this project within the City Gate master planned area.*

Multi-Family Use in RC Zoning Guidelines that appear to be demonstrated:

- 2.1 - Orients buildings and major pedestrian entrances toward activity centers, such as major streets, public plazas, outdoor dining and other pedestrian amenities.
- 2.3 - Clusters buildings on the site to promote linked trips. A cluster is a group of buildings that are attached, oriented on adjacent street corners, or are in reasonably close proximity to each other such that a pedestrian need not walk across lengthy parking and driveway areas, between building entrances.

- 2.4 - Maximizes opportunities for pedestrian and vehicular circulation between adjacent sites through building siting and parking design, such as joint access easements and common driveways.
  - 2.6 - Offers access to useable open space, conveniently located for the majority of the multi-family units. The open space areas should have well defined edges, such as walkways, buildings or landscaping.
  - 2.7 - Uses landscaping as a tool to unify open spaces with the overall development, and includes theming for plant materials, paving, lighting, street furniture and signage. Incorporates different landscape designs and plant materials to highlight distinct areas of the project.
7. Pedestrian Scale and Orientation. All portions of the development are accessible by a direct, convenient, and safe system of pedestrian facilities and pedestrian amenities, and gathering places are appropriately scaled for the project. **Staff notes:** *This project has a variety of amenities that encourage walking, connections within and outside the project, street furnishing zones both on the public and private streets, distinctive paving treatments, and comfortable gathering spaces or plazas. Pedestrian connections are placed on each side of the project along with three shaded resting stations to be shared with the community along the private streets.*
- Multi-Family Use in RC Zoning Guidelines that appear to be demonstrated:
- 3.1 - Pedestrian facilities connect the mixed-use project to other land uses, are clearly delineated and provide connections through the development to the applicable public streets.
  - 3.2 - Offers pathways between uses or outdoor plazas, weather protection and street furnishing zones on both sides of every public and private street. Appropriate pedestrian amenities (e.g., street tree well cutouts, and space for outdoor seating, trash cans, newspaper racks, mail boxes, sidewalk displays, public art, misting systems, shade structures and awnings, pedestrian-scaled lighting, bicycle racks, etc.), are provided in such areas.
  - 3.4 - Incorporates a comprehensive open space network that utilizes shared open space areas, active public gathering places, pedestrian/ visitor amenities, plazas, walkways, paths, etc., to link uses on the site.
  - 3.6 - Adequately illuminates all building entrances, pathways and other pedestrian areas with pedestrian-scale lighting (e.g., wall mounted, sidewalk lamps, bollards, landscape up lighting, etc.).
  - 3.7 - Locates inviting and comfortable pedestrian-scale gathering spaces or plazas next to pedestrian circulation routes and is designed to generate interest and engagement from pedestrians.
8. Transportation and Connectivity. The development provides appropriate vehicular and pedestrian connectivity that serves vehicles, pedestrians and bicycles. **Staff notes:** *This master planned center was planned with a major boulevard connecting all users to two major arterials. Access points are carefully planned for shared use and pedestrian safety.*

*Perimeter walls provide views into the project to provide a sense of security yet not segregation. A comment is noted below for consideration of less CMU walls.*

Multi-Family Use in RC Zoning Guidelines that appear to be demonstrated:

- 4.1 - Connects public or private streets and pedestrian facilities to adjacent neighborhoods and zoning districts.
- 4.2 - Implements all planned street connections, as designated by the Town's *Transportation Master Plan*.
- 4.3 - Offers strong access to employment centers, regional services, and multiple modes of transportation.

Planner Williams said that Staff definitely feels that the site criterion of mixed-use has been demonstrated. He said he would like input on Pedestrian Scale and Orientation, as well as Transportation and Connectivity. He shared the Site Plan, indicating that there were four proposed buildings, 4-stories in height. He said it has an urban design and the applicant pushed things out as close as they could to the street and internalized parking as best they could. He said that Building 4 was their leasing office and main amenity area. He indicated the primary access point off of Michelle Way, which will be signalized in the future. He noted the location of the Fry's and the gas station, as well as the senior living and assisted living facilities. He shared how the overall 10 acres would lay out. He noted the gray which indicated single car and tandem garages that are in the building. He said there are also a number of carports. He said that Staff does believe there are an integrated mixture of uses, but they have some slight concerns regarding Pedestrian Scale and Orientation and Transportation and Connectivity, and would appreciate input from the Commission on those concerns. He asked the Commission to pay particular attention to how they feel about pedestrian scale and design or the ground floor and the exterior of the building being kind of activated and integrated into the commercial development. He said Staff's main concern regarding Transportation and Connectivity is they currently have a combination of 6' CMU wall and 6' mesh fence in a number of areas. He said that Staff doesn't feel that the use of any solid CMU in any way demonstrates connectivity or integration. He asked for examples as to what they might do instead. He said the applicant had tried to incorporate some pedestrian nodes on the north, east and west. He said the pedestrian nodes are trees with benches and are a way to activate this development with the street. He said Staff feels like they could do a little more with the pedestrian nodes and he has provided some good examples to the applicant of other commercial areas around the Town that have done that same thing. He shared a graphic which showed the 6' CMU and mesh perimeter fencing on the south, east and west. Planner Williams again pointed out that he didn't feel that this particular fence demonstrates integration and connectivity. He shared the entry fence and the access gate. He said it states that it is perforated, but he said it looks opaque to him and not transparent and doesn't give the feel of being open and transparent. He shared an example of an apartment complex that went in across from the Municipal complex, that used 4' view fencing and some columns, but it has more of an open, inviting and connected look. He finished his presentation



regarding the Use Permit and asked if the Commissioners would like him to continue to discuss the DR case or if they would like to stop and talk about the Use Permit before he continues.

Vice Chair Andersen suggested he finish his presentation and then they would provide comments for both after he finished.

Nathan Williams then made his presentation on the Design Review portion of City Gate Apartments. He said the Use Permit would need to be approved along with the Design Review. He said there would be 249 units in the 4-story units. He indicated that the buildings are 48' high. He said there is a lot of verticality. He said they are proposing 306,000 square feet of Multi-family residential use on the site. He stated that it is a very compact design. He said they all have internally accessed corridors and have no exposed stairways, which give it a more urban feel. He said he would appreciate input from the Commission on site layout and design, as well as the elevations. He said that Staff feels that there are some repetitive massing and roofline movements in the elevations. He also requested input on colors and materials and whether there is enough variety. He again shared the Site Plan, noting the locations of each of the four buildings. He shared the main outdoor amenity area. He said the development has a resort-like feel to it. He also specifically asked for input as to whether they should place the dog park directly next to the pool amenity area. He pointed out that they have included a tremendous number of indoor amenities. He shared the elevations, noting that all the garages face interior. In regards to Staff's concerns regarding repetitive movement, he pointed out the same tower elements, the same use of color, and the same use of massing over and over again for the 4-story windows and garages. He again requested input on those concerns. He said they have outdoor patios. He said they have a stone veneer that goes up to the second floor. He shared the colors and materials. He also shared what colors and materials were approved for Fry's and the commercial development to the north. He said they have tied into those colors and tones, but the Fry's has used a lot of CMU, siding and metal, so that is why he believes they might want to use more colors and materials on this design. He shared an existing facility that the applicant has designed and built in another location. He said it is very similar to what they are proposing in this location. He provided renderings of the project, noting that they demonstrate a better example than just the two dimensional elevations. He provided an example of Gilbert Town Square to demonstrate other examples of a 4-story building and how it addresses the street, as well as how it uses different windows, different colors, and different materials. He finished his presentation and asked for input from the Commission.

Comment: David Cavenee said that he wanted to discuss the requirements for a Use Permit. He suggested pulling up the Site Plan for a reference point. He said he agrees that this type of use in the existing development does achieve mixed-use. He said they have very close shopping PAD sites. He said he does think that the mixed-use relationship is only to the north, because he doesn't think the assisted living and senior living play into that. He said that means that you would want to activate the site to the north and not to the south as far as flow. He said it would seem more appropriate to rotate the design 180 degrees and have the project open up to the

commercial area. With that being said, in the couple of mixed-use projects he has participated in, he said he wasn't overly concerned with the perimeter fence and wall, because they have to be concerned with security and he understands that. He stated that it is a good idea to attempt to secure all of your ground level doors so that your users feel safe and comfortable at night in an active commercial environment. He said the real benefit of the mixed-use circulation comes in being able to go downstairs and across the street and access those services. He said if he was an owner, he would want the shielding and screening. He said the fact that they can get into the commercial center quickly and easily without a car is what activates that circulation piece. He said if they leave the project oriented the way it currently is showing on the design, he would strongly encourage that the crosswalk between the main drive aisle to the north and the center of the property have some kind of strong pedestrian deference. He said they might put in a raised intersection or some kind of decorative intersection that slows cars and defers to pedestrians. He thought that could be done without a whole lot of pain to the rest of the site. He said he thinks a dog park is a value. From a Design Review perspective, he said he doesn't think you could play much with the heights because they already have four stories and if they brought them down, the applicant would start losing units, so he understands how it needs to be stable at the top. He said he thinks they have done a good job of bringing the materials down to a pedestrian level with some of the stone veneer. He said he wasn't a big fan of the red, but he said it helped that Planner Williams shared the Fry's palette. He really encouraged them to integrate with the Fry's, the hotel and some of the other PAD pieces in terms of colors and materials. He said he didn't see any red in any other the other color palettes. He said that overall he thinks the architecture is good and he thinks the high rise will fit well within an existing commercial site. He thinks there are a few things they could tweak, but overall he is in support of this project.

Comment: Joshua Oehler said this is getting to a density and a compact look that they are looking for in other developments in Regional Commercial. He said he thinks this site is unique given the close proximity of the other uses. He said he agrees with Commissioner Cavenee that they should have more connectivity and walkability back to the north. He said he isn't sure how they go about achieving it, but he thought they should look at providing true connectivity as much as they can. He said he had visited the other development that they had provided as an example. He said the difference he sees in the two, is that this is more of a complex and that one is set in downtown and centralized. He said the design itself is good in terms of being compact, but when it comes to the design standards for Mixed-Use in RC, he doesn't see the movement to the pedestrian. He said they have a 4-story height and very little pedestrian play to the building on the streets. He suggested they consider the material palettes of Fry's and the other development to the north. He said this might help break up some of the repetition of building after building. He said they don't need to change their massing, but might consider changing the materials a little bit in an effort to blend into the mixed-use of the RC and the other properties. He said he has some concerns regarding the inner portions that have large massing of the blank walls between, but he understands why they have used them. He said this is another place they could consider using some different materials. He said it is a pretty large mass for being so blank. In regards to the dog park location, he would suggest it not be right

next to the pool. He said he thought they could find a better location and it might even give another pedestrian node or pedestrian connection.

Question: Joshua Oehler asked if this case was coming back next month.

Answer: Nathan Williams said the applicant had not received 1st Review comments yet, so they would be seeing it again.

Comment: Joshua Oehler said that he agrees that you need some walls for certain areas of security, but he thinks a mix of lower walls in the majority of the street view is a good idea. He said he thinks this gives more openness and walkability and creates more of a pedestrian feel. He thinks there are some key points where they could have some height, but he would like them to lower it as much as they can.

Comment: Daniel Cifuentes said that Building 1 North and 1 South, have an area with 43' of stucco. He said this is something you would be able to see coming north or southbound along Higley. He suggested they do something to create some interest or add some additional material due to the visibility from Higley. He suggested that they take a look at Building 3 East and West also.

Comment: Brian Johns said he agrees that the rhythm could be a little more broken up. He said the pictures and the renderings did look nice, but he said those seem to be more broken up than what they are seeing in the design. He said he thought the pedestrian nodes for a facility of this size could be improved, pointing out that he didn't think that two trees and a bench were sufficient. He asked Planner Williams to pull up the Site Plan. He said although there had been a lot of talk about connection to the outside, he thought the connection to the inside could use more of a pedestrian feel to it. He suggested a pedestrian walk to get to the amenities. He said people move to these types of places for the amenities and so that you don't have to take care of a yard. He said you have to walk through a parking lot to get to the amenities. He said they have some covered parking, but it is between two cars and is part of the parking structure. He said they might want to dress that up a little bit. He said it is raised a little, but you are basically walking in between two cars, so he suggested introducing a landscape element to that area. Regarding the dog park, he said he didn't have a problem with having the dogs close by, but he could see some people at the pool not wanting to listen to dogs. He pointed out that the dog park was only the size of four parking spaces. He said if you were going to have one, you might consider making it bigger.

Response: Planner Williams asked if Commissioner Johns had any comments regarding the walls.

Answer: Brian Johns said some diversity in the walls would be nice, but he didn't really have any issues with the walls.

Question: Carl Bloomfield asked if this was an age-restricted community.

Answer: Nathan Williams answered that it was not.

Comment: Greg Froehlich said he really likes the pedestrian node on Michelle Way. He said the one on Gary Way is probably fine because it's near the pool, but he would prefer the one on San Benito Drive be moved up to Michelle Way and moved nearer to Building 3. He said there is a sidewalk on the east side of that building and he suggested they could connect that up and create a node over there.

- 11. GP18-02, SWC GREENFIELD AND GERMANN: CITIZEN REVIEW AND INITIATION OF AMENDMENT TO THE TOWN OF GILBERT GENERAL PLAN MAP FOR THE SOUTHWEST CORNER (SWC) GREENFIELD AND GERMANN REGARDING A REQUEST FOR A MINOR GENERAL PLAN AMENDMENT TO CHANGE THE LAND USE CLASSIFICATION OF APPROXIMATELY 68.00 ACRES OF REAL PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF GREENFIELD ROAD AND GERMANN ROAD FROM 22.5 ACRES OF SHOPPING CENTER AND 45.5 ACRES OF RESIDENTIAL > 2-3.5 DU/ACRE LAND USE CLASSIFICATIONS, TO 68.00 ACRES OF RESIDENTIAL > 3.5-5 DU/ACRE LAND USE CLASSIFICATION.**

**Z18-03, SWC GREENFIELD AND GERMANN: CITIZEN REVIEW AND INITIATION OF AMENDMENT TO THE TOWN OF GILBERT ZONING MAP FOR THE SWC OF GREENFIELD AND GERMANN REGARDING A REQUEST TO REZONE APPROXIMATELY 68.00 ACRES OF REAL PROPERTY GENERALLY LOCATED AT SWC OF GREENFIELD AND GERMANN ROADS FROM APPROXIMATELY 22.5 ACRES OF SHOPPING CENTER (SC) ZONING DISTRICT AND 45.5 ACRES OF SINGLE FAMILY RESIDENTIAL - 8 (SF-8) TO APPROXIMATELY 68.00 ACRES OF SINGLE FAMILY RESIDENTIAL - 6 (SF - 6) ZONING DISTRICT WITH A PLANNED AREA DEVELOPMENT OVERLAY.**

Amy Temes began her presentation on GP18-02 and Z18-03, SWC Greenfield and Germann. She said that in 2006 this site was rezoned and it was a Town of Gilbert owned site. She said it is directly north of the Hetchler Soccer Complex. She said that it was rezoned to Single Family – 8 (SF-8) in 2016. She said that today's proposal is to initiate a Citizen's Review for a General Plan Amendment and Rezoning for the property. She said it is currently 22.5 acres of Shopping Center (SC) and 45.5 acres of Residential > 2-3.5 DU/Acre. She said the site was previously put up for auction but the auction was unsuccessful. When the land didn't sell, Staff went out and solicited some advice from builders and other real estate brokers and developers to try and find out what might be marketable for this property. She said this led to this request to change the General Plan to Residential > 3.5-5 DU/Acre and to Rezone from Single Family – 8 (SF-8), eliminate the Shopping Center (SC) parcel and increase the overall acreage of residential. The proposed rezoning would be Single Family – 6 (SF-6) with a PAD overlay. She said it is not the

Town's desire to plat 6,000 square foot lots across the entire site. She said there will be a four acre reservoir site on the northwest corner and the 64 remaining acres would be a combination of 6,000 and 7,000 square foot lots. She said it is Staff's desire to provide a range of lot sizes so that a mixture can be achieved. She said they also desire to leave a bit of flexibility for the developer and create diversity in lot sizes. This would mean that the zoning would be SF-6 for the whole parcel, but there would be diversity in lot sizes. She said a developer could come in and achieve a higher density or a lower density. She said they wouldn't know absolutes, but it would give a variable so that the developer doesn't feel locked in and has the ability to create whatever product the developer desires to develop. Planner Temes finished her presentation by asking the Planning Commission to initiate an amendment to the General Plan and Zoning Map for the Town of Gilbert and conduct a Citizen Review for this auction property.

Comment/Question: Joshua Oehler said he thinks this is a good idea to get the mixture of lots. He said there are a lot of larger lot homes to the north and that community is very vocal. He asked how they would create a mechanism that would allow a mixture of different sized lots on the SF-6.

Answer: Amy Temes said the answer to that is that any developer could purchase this and come back and ask for another General Plan Amendment and Rezoning, and Staff has no guarantee that they won't come back, but they are trying to look at what the market will bear and how they can move this parcel forward. She said proceeds from the sale of this property will be used for the Regional Park that is being developed. She said they have reached out to the development community to get a better idea of what will work. She said she actually laid out lots on this site to make sure the proportions work with what they are trying to put on the site and that the yield could be achieved. She said Staff believes these numbers are viable.

Question: Joshua Oehler asked if he was right in thinking that they were going to SF-6, but they were using a higher density.

Answer: Amy Temes said that SF-6 is one of the categories that you do find within the Residential > 3.5-5 DU/Acre General Plan category. She said they thought SF-6 was a good middle range. She said they were just trying to avoid straight 6,000 square foot lots on the entire property.

Comment: Joshua Oehler said it should be interesting to see how it comes back and how the community responds. He said he thinks it is a good idea for this property and he thinks this is a good place for a residential development. He said he believes the Town is doing the right thing, but he would like to see how they could implement getting a mixture of 6,000 and 7,000 square foot lots on this property.

Comment: David Cavenee said that there was no way they could control it. He said if they zoned it SF-6, someone would put all 6,000 square foot lots on it. He said he understands what the Town is trying to do and he doesn't disagree. He believes they will receive some pushback from the neighbor to the north because he thinks that the rezoning to SF-8 was to be the

transition to the south and now they are saying that SF-6 is a good transition. He thinks they will get pushback, but he understands what Staff is trying to do, and he is willing to support it at this point.

Response: Catherine Lorbeer pointed out that the rezoning would be SF-6 with a PAD, where they would actually state the limitation of a certain range of homes within the 6,000 square foot lots and a certain range within the 7,000 square foot lots.

Comment: David Cavenee said he didn't know if you would want to hamstring the property with that requirement if it was being put up for auction. He said he thinks the best thing is to deal with it when it comes before the Commission. He said if that is the case, he would encourage the 7,000 square foot lots be further to the north, to try and assuage the neighbors to the north that they would be getting a transition area.

Vice Chair Andersen asked for help in initiating the amendment. Catherine Lorbeer informed Vice Chair Andersen that he needed to make a motion to initiate the amendment and then he would need to open a Public Hearing to conduct a Citizen Review and see if any citizens were present that would like to comment.

David Cavenee made a **MOTION** to initiate an amendment to the Town of Gilbert General Plan and Zoning map for this property; seconded by Joshua Oehler; motion passed unanimously.

#### **Motion passed 7-0**

Vice Chair Andersen then opened the Public Hearing to conduct a Citizen Review. He asked if any citizen was present who wished to speak on this issue. Seeing none, he closed the Citizen Review.

**12. GP18-03, SWC GREENFIELD AND CHANDLER HEIGHTS: CITIZEN REVIEW AND INITIATION OF AMENDMENT TO THE TOWN OF GILBERT GENERAL PLAN MAP FOR THE SOUTHWEST CORNER (SWC) GREENFIELD AND CHANDLER HEIGHTS REGARDING A REQUEST FOR A MINOR GENERAL PLAN AMENDMENT TO CHANGE THE LAND USE CLASSIFICATION OF APPROXIMATELY 82.00 ACRES OF REAL PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF GREENFIELD ROAD AND CHANDLER HEIGHTS ROAD FROM 82.00 ACRES OF RESIDENTIAL > 2-3.5 DU/ACRE TO RESIDENTIAL > 3.5-5 DU/ACRE LAND USE CLASSIFICATION.**

**Z18-04, SWC GREENFIELD AND CHANDLER HEIGHTS: CITIZEN REVIEW AND INITIATION OF AMENDMENT TO THE TOWN OF GILBERT ZONING MAP FOR THE SWC OF GREENFIELD AND CHANDLER HEIGHTS REGARDING A REQUEST TO REZONE APPROXIMATELY 82.00ACRES OF REAL PROPERTY GENERALLY**

**LOCATED AT SWC OF GREENFIELD AND GERMANN ROADS FROM APPROXIMATELY 82.00 ACRES OF SINGLE FAMILY RESIDENTIAL - 8 (SF-8) TO SINGLE FAMILY RESIDENTIAL - 6 (SF - 6) ZONING DISTRICT WITH A PLANNED AREA DEVELOPMENT (PAD) OVERLAY.**

Planner Amy Temes began her presentation on GP18-03 and Z18-04, SWC Greenfield and Chandler Heights. She shared the location of the property, noting that it was rezoned and General Plan amended back in 2016 to SF-8. She said it did not have a PAD. She said this property had been auctioned and was not purchased, resulting in the Town reassessing the property and Staff is proposing changing the General Plan category from Residential > 2-3.5 DU/Acre to Residential > 3.5-5 DU/Acre. She said there is no reservoir site on this property so it is 82 gross acres. She said the requested zoning change is to go from Single Family Residential – 8 (SF-8) to Single Family Residential – 6 (SF-6) with a PAD. She said that the intent of the PAD is to approve a Development Plan that will increase the residential density, set minimum lot sizes, and distribute lot sizes by percentage. This time they would be looking at lot sizes in a variety of categories including 6,000 square feet, 7,000 square feet and 8,000 square feet. She said they are looking at a range of 30-40% for each of the categories. She said they are not looking to lock it down to an absolute number because they don't know what products may or may not come in. She said this parcel also has large lots to the north. She said the site is surrounded by SF-43. Planner Temes finished her presentation and asked the Commission to initiate the text amendment and conduct the Citizen Review.

Vice Chair Andersen thanked Planner Temes for her presentation and called for questions or comments.

Comment: David Cavenee said this case has slightly different conditions, but is mostly the same case. He said he thought the Town was doing the right thing.

David Cavenee made a **MOTION** to initiate an amendment to the Town of Gilbert General Plan and Zoning Map for this property; seconded by Joshua Oehler; motion passed unanimously.

**Motion passed 7-0**

At this time, Vice Chair Andersen opened up the Public Hearing to conduct a Citizen's Review. He asked if any member of the public would like to speak on this item. Seeing none, he closed the Public Hearing and Citizen's Review.

**13. Z18-01 LDC TEXT AMENDMENT BATCH H: CITIZEN REVIEW AND INITIATION OF AMENDMENT TO THE TOWN OF GILBERT LAND DEVELOPMENT CODE, CHAPTER 1 ZONING REGULATIONS, DIVISION 2: LAND USE DESIGNATIONS, ARTICLE 2.1 SINGLE FAMILY RESIDENTIAL DISTRICTS, SECTION 2.106 ADDITIONAL**

Town of Gilbert Planning Commission  
Study Session February 7, 2017

**DEVELOPMENT REGULATIONS, RELATED TO ACCESSORY STRUCTURES, COVERED PATIOS AND PORCHES; SECTION 2.9 USE REGULATIONS, TABLE 2.902 USE REGULATION RELATED TO SPECIAL EVENTS; DIVISION 4: GENERAL REGULATIONS, ARTICLE 4.5 SUPPLEMENTAL USE REGULATIONS, SECTION 4.5012 TEMPORARY USES, TABLE 4.5012 TEMPORARY USES RELATED TO FARMERS MARKETS; AND DIVISION 6: USE DEFINITIONS, ARTICLE 6.1 USE DEFINITIONS RELATED TO THE “EATING AND DRINKING ESTABLISHMENTS” AND THE “STAND-ALONE SMOKING LOUNGE” USE DEFINITIONS.**

Planner Keith Newman introduced himself and said that he was a new planner that was recently hired by the Town. He said he was excited to be here presenting for the first time to this Commission. He said that Batch H was an additional batch of text amendments to the Town's Land Development Code (LDC). He said the Commission has previously reviewed Batch A-G. He said this batch seeks to improve certain Development Standards and clarify where certain uses are allowed and how they are defined in the LDC in an effort to continue to enhance the quality of life for the residents of the Town. He said he refers to this as a process of continuous improvement of ordinances. He shared an overview of the five ordinances that are before the Commission tonight (see below):

The LDC topics associated with Batch H are as follows:

1. Accessory Structure Location
2. Covered Patios and Porches
3. Farmers Markets as a Special Event
4. Eating and Drinking Establishments Definition
5. Stand Alone Smoking Lounge Definition

Planner Newman shared regarding Accessory Structure Locations. He said that currently in the LDC, Accessory Structures must be located in the building envelope or the rear half of the lot if the homeowner wants them to be outside the building envelope. He indicated that reduced setbacks are only allowed for Accessory Structures if they are in the rear half of the lot. He said that Staff would like to discuss increasing the rear half requirement on large lots. He shared an exhibit that illustrated comparisons of what this requirement currently would look like on a one acre lot and a two acre lot. He said that Staff feels that the requirement that a homeowner must place their Accessory Structure in the rear half of the lot is restrictive. As an example, he referred to his depiction of a two acre lot, noting that if the homeowner wished to build an Accessory Structure and were required to do so on the back half of their lot, that would be over 200' away from their house. He said that Staff would like to reduce the rear one-half requirement.

Planner Newman then discussed Covered Patios and Porches. He said that Staff's intent with this proposed change is to clarify how the required dimensions for covered patios and porches



are measured. He said currently in the LDC, it says that the dimension needs to be no less than 6'. He said that the covered patios section for patios at the rear of the home does not specify where the 6' dimension is to be measured from, but the regulation for porches at the front of a home clearly specifies that the point of measurement will be from the dwelling façade to the interior edge of the supporting post. He stated that Staff would like copy the current language regarding porches and apply it to covered patios. He said this would help to maintain uniformity because they have experienced some confusion from the development community on how they are supposed to measure patios. See proposed changes below:

### **Proposed Zoning Code Amendment**

**Chapter 1 Zoning Regulations, Division 2: Land Use Designations, Article 2.1 Single Family Residential Districts, Section 2.106 Additional Development Regulations**, is hereby amended to read as follows (additions in ALL CAPS UNDERLINE; deletions in ~~strikeout~~):

#### **E. *Covered Patios.***

1. New single family dwellings in the SF-43, SF-35, SF-15, SF-10, SF-8, SF-7, and SF-6 districts shall have a covered patio of at least 80 square feet. No dimension shall be less than 6 feet AS MEASURED FROM THE DWELLING FAÇADE TO THE INTERIOR EDGE OF THE SUPPORTING POST OR WALL.
2. New single family dwellings within the SF-D and SF-A districts shall have a covered patio of at least 60 square feet. No dimension shall be less than 6 feet AS MEASURED FROM THE DWELLING FAÇADE TO THE INTERIOR EDGE OF THE SUPPORTING POST OR WALL.

#### **F. *Porches.*** Where new porches are provided, they shall be at least 6 feet in depth as measured from the dwelling façade to the interior edge of the supporting post OR WALL.

Planner Newman then discussed the third item in Batch H, Farmers Markets as a Special Event. He said that Farmers Markets are currently a temporary use and require an Administrative Use Permit. He said Staff would like to change the permit approval process for a Farmers Market from an Administrative Use Permit to a Special Event Permit. He said this will reduce the overall time for permit issuance for a temporary Farmers Market, which are usually held on an infrequent basis throughout the year. He said the change will make the process less cumbersome. He also shared that the Administrative Use Permit process requires public notice, but the Special Event Permit process does not, which will reduce the time and make it easier on the applicant.

Planner Newman stated that the next item for the Commission's consideration is to change a definition under the Eating and Drinking Establishment portion of the Code. He said they would like to revise the *Restaurants, Full Service* part of the definition as shown below:

**Chapter 1 Zoning Regulations, Division 6 Use Definitions, Article 6.1 Use Definitions**, is hereby amended to read as follows (additions in ALL CAPS UNDERLINE; deletions in ~~strikeout~~):

**Eating and Drinking Establishments.** Businesses that primarily engage in the sale of food or beverages for consumption on or off the premises. Dancing, live music, or other similar live entertainment may be offered.

*Restaurants, Full Service.* Eating and Drinking Establishments providing food and beverage service to patrons who order and are served while seated at tables, and pay after eating. AT LEAST 40% OF GROSS REVENUE MUST BE FROM THE SALE OF FOOD TO BE CLASSIFIED AS A FULL SERVICE RESTAURANT. ~~Gross revenues from the sale of alcoholic beverages is less than 50 percent of total gross sales.~~ Takeout service may be provided. This classification may include as an incidental use an establishment licensed by the State of Arizona as a Teletrack Wagering Establishment.

Planner Newman said they are seeking to align this definition up with the State law. He said that the Arizona State Liquor laws allow 40% of gross revenue to be from the sale of food to be classified as a full service restaurant.

Lastly, Planner Newman discussed the last proposed change in Batch H, Stand Alone Smoking Lounge Definition. He said this also is an effort to more closely align with the medical marijuana laws of the State of Arizona, which do not allow the smoking of medical marijuana in public places. He said that currently, the Town's definition does not reference medical marijuana at all. Staff would like to make it clear that medical marijuana is not to be smoked in these types of smoking lounges. He said this change will align with State law. See proposed changes below:

**Chapter 1 Zoning Regulations, Division 6 Use Definitions, Article 6.1 Use Definitions**, is hereby amended to read as follows (additions in ALL CAPS UNDERLINE; deletions in ~~strikeout~~):

**Stand-Alone Smoking Lounge.** A self-contained, independently operating business establishment that is dedicated, in whole or in part, to the smoking of tobacco or other substances whether or not such substances are purchased therein, including, but not limited to cigar lounges, hookah lounges, tobacco clubs, and tobacco bars, but not including retail tobacco stores, as that term is defined in the Gilbert Municipal Code, Section 42-266. THE SMOKING OF MEDICAL MARIJUANA IS PROHIBITED.

Planner Newman finished his presentation and asked for feedback from the Commission. He said that Staff would take the Commission's feedback and bring the proposed changes to Batch H back to a future Planning Commission meeting. He said that after Staff receives their

feedback on Accessory Structures and Farmer's Market as a Special Event, they will draft language to bring back to the Commission. He said the other sections already reflect the language they are proposing, unless the Commission has other feedback.

Vice Chair Andersen thanked Planner Newman for his presentation and called for questions or comments.

Comment: Brian Johns said he would ask that the Commission talk individually about each proposed change.

Response: Vice Chair Andersen said he was agreeable to doing that.

Question: Brian Johns asked to clarify if they were saying the Accessory Structure can't go into the second back half or if it had to say in the first back half. He also asked what the Town was asking to do.

Answer: Keith Newman said that the regulation currently states that an Accessory Structure must be located within the building envelope or on the rear one-half of the lot. He said if they want it to be outside of the building envelope, they can only place it in the rear one-half of the lot.

Question: Brian Johns again sought to clarify that to build it in the outside of the building envelope, they would be referring to the building setbacks.

Answer: Keith Newman answered affirmatively.

Question: Brian Johns asked if you had to get a variance to do that anyhow.

Answer: Keith Newman said you only had to get a variance if height was an issue. He said that if they put it outside in that rear one-half, outside of the building envelope and the setback area, they have a graduated setback requirement based on the height of the building.

Question: Brian Johns asked if the Town was asking to remove that altogether, so a homeowner could build anywhere.

Answer: Keith Newman said that what they are asking for, is for homeowners to be able to have the option to maximize a little more of their property and potentially moving that rear one-half up, so they aren't restricted on how far back they can build it. He said on the two acre lot that he had shown as an example, the structure would have to be built 200' away from the main house. He said that 200' is pretty far back.

Question: Brian Johns asked to clarify that Staff wasn't giving a specific suggestion on where it should be, just asking for input as they discuss possible changes to where the structure can be allowed.

Answer: Keith Newman answered affirmatively.

Comment: Brian Johns said he is passionate about this because he owns an acre and a half and he has already run into this problem. He said that horse stalls fall into this category. He said he didn't see why they needed to restrict them, especially considering the number of long narrow lots that they have in the Town. He said this places a burden on the homeowner. He said he appreciates the clarification but wondered if the Town was suggesting any specifics.

Response: Keith Newman said that Staff would appreciate any input, so that they can consider appropriate changes. He said that many people move to Gilbert from other communities that are way less restrictive.

Question/Comment: Joshua Oehler asked if when this is brought back, if they could see some samples of these Accessory Structures. He said if you get an Accessory Structure too close then you are creating fire issues. He said he didn't know what the magical number would be. He said he always thought the requirement was kind of strange, but he wants to make sure, as a Commission, that they consider how much they want the structure in the front. He said he has seen this issue come up a lot in a number of communities. He said he doesn't know the solution, but he said he wouldn't want to allow too much more and have a structure go into the actual building.

Comment: Brian Johns said he agrees with Commissioner Oehler, but said they would still have an imaginary property line that determines how far away it could be, so that would be taken care of by the Building Code. He said he has a feed barn that is less than 40' away from his house. He said he was County Island before the property was annexed. He said a lot of the larger lots in his neighborhood have a pool or grass area that isn't irrigated. He said a lot of people desire multiple buildings to support animals or hobbies. He said he hates to see a restriction put onto them. He said he has a hard time wrapping his head around why they would have this restriction to begin with.

Response: Carl Bloomfield said the regulation probably predates everyone that is in the room.

Comment/Question: David Cavenee said he thought that it was important to consider why they chose the back half of the lot in the first place. He said they should consider what originated the original need for the restriction of back half. He asked how often this comes up and if they face issues with this restriction on a regular basis.

Answer: Catherine Lorbeer said that they hear feedback on the larger lots because of how far they might have to space. They have also had variance requests to move the Accessory Structure forward. She said up to now, the variance process is how the issue has been handled on a case by case basis. She said she believed that the original intent of the regulation was trying to make sure that the Accessory Structure didn't affect the view from the street. She said this isn't a problem on smaller lots, but comes up with the large ones. She said they considered making a change that said on a lot bigger than 15,000 square feet, that it could be in the rear two-thirds of the lot instead of the rear one-half. She said in a smaller lot, the one-half seems to work just fine and keeps the nice relationship to the street.

Comment: David Cavenee said that Principal Planner Lorbeer's feedback was helpful. He said he remembered handling a couple of cases as a Zoning Hearing Officer where they had some requests for this. He said he liked the thought of it being far enough back not to interrupt the street presence, but he wondered if there shouldn't be something that makes it relational to how deep the home is. He said this wouldn't refer only to lot size, though he thinks lot size is a key, but he also thinks that if you have a large home that may actually take up most of the first third of the lot, then you wouldn't be keeping the distance either. He said you would almost have to look at the dimension from the front of the property to the rear of the home and then take some portion of that and make sure it was no closer than two-thirds or something like that.

Comment: Carl Bloomfield said maybe they should throw out whatever the rear yard setback would be for that zoning category, that you would have to keep that distance from the back façade of the house.

Response: David Cavenee said that would be fair.

Question: David Cavenee asked what the rear yard setback was in the one acre lot example they had been looking at.

Answer: Keith Newman said that it was 40'.

Comment: David Cavenee said that what they would be saying then, was that you could start a structure 40' from the back wall of the home.

Comment: Carl Bloomfield said they could keep the rear half, but in the outside chance that it doesn't work or you have an extra deep lot, they could use the minimum of whatever the rear yard setback was.

Response: Brian Johns said that would work to a point, but he pointed out that his neighbor built right in the middle of his lot.

Comment: Joshua Oehler said in that example, you wouldn't want a person to build an Accessory Structure in the front of the house.

Response: Brian Johns said you aren't allowed to do that.

Comment: Joshua Oehler said that if they got rid of this requirement, you could build the Ancillary Structure in front of the house.

Response: Brian Johns said that unless he is mistaken, the Town of Gilbert doesn't allow that.

Response: Catherine Lorbeer said that she couldn't recall a provision that limits the location of the secondary and the primary, but they do say that you can have an Accessory Structure in the building envelope.

Comment: David Cavenee said he didn't know if anyone had ever done it, but it sounds like it would be possible.

Comment: Joshua Oehler said they had a project that had come before the Commission with a garage separated up in the front and the home was behind it, so there are some product lines that are going that way. He said he isn't saying it's a good or a bad thing, but he thinks it would be hard to implement in the actual zoning ordinance. He said you are dealing with a variable (the size of the house) so it would be very hard to implement.

Comment: David Cavenue said it would answer the street presence concern, which he hadn't considered before Catherine Lorbeer mentioned it. He said he thinks that would be of key importance, to keep the house as the main architecture and to keep the Accessory Structure far enough behind that it isn't part of the view from the street.

Comment: Carl Bloomfield said it sounds like the condition happens rarely enough that it is curious to him why they even need to make a change. He said it seems like it is an easy Zoning Hearing Officer concern and would be easier to deal with through the Variance Hearing process because you have all the information for that specific case.

Comment: David Cavenue said he thinks that they probably have a lot of odd-shaped lots in the Town of Gilbert.

Response: Catherine Lorbeer said that the lots that are larger in size or elongated, is where the concern comes up. She said they do handle questions at the front counter on a regular basis. She said that a change would allow opportunities to enable the homeowner to use a little more of their lot when they have such a large lot. She said they had considered a change to two-thirds in the hopes that it might simplify it.

Question: Brian Johns said that this only applies to buildings that are within the building setback, so to further add to the knowledge of what they are trying to decide here, he asked what those restrictions were.

Answer: Catherine Lorbeer asked if Commissioner Johns was asking where they can place the Accessory Structure in the rear one-half.

Question: Brian Johns said that the building has to meet certain criteria to be able to build inside the building setback to begin with. He asked what those restrictions were that would allow that accessory building to build within that.

Answer: Catherine Lorbeer said it was 6' or less in height as a 5' setback and then once it is taller than 6', it is 1' for every additional foot of height. Additionally, they can't exceed the height of the zoning district.

Comment: Joshua Oehler said that basically if you are 15' away, it could be a 16' tall building.

Response: Keith Newman said that he wanted to add that living quarters were not to be included.

He said this change doesn't say anything about living quarters, but has in mind garages and storage buildings. He said that living quarters have different regulations and have to be in the building envelope.

Comment: David Cavenee said that based on everything that has been said, he would throw out the option to start with Planner Lorbeer's key points and specify the size of the lots that this applies to. He said he thought lots greater than 15,000 square feet would be a fair mark, but he said they could discuss that further. He said he also thought they should specify that these Accessory Structures must be behind the primary structure, because he doesn't think this is a current requirement, but he thinks it is a key point. He also said that if they wanted to set that it could be in the back two-thirds, but no less than the setback distance from the back of the home, he thought that would be fair, even though it would be somewhat complicated. He said it would help the user to get more by right and would be clearly defined. He said it would allow most cases to move it up quite a bit and take advantage of more of the space on a larger property, but it also wouldn't apply to a smaller or rectangular lot that wasn't odd-shaped.

Comment: Carl Bloomfield said they might even consider taking out the part about minimum building setback and just say the back two-thirds.

Response: David Cavenee said when he looks at the sample they were given of the two acre lot, even the back two-thirds would place the Accessory Structure several feet behind the primary structure.

Comment: Catherine Lorbeer reminded Vice Chair Andersen that they also needed to initiate this text amendment and conduct a Citizen's Review.

Response: Vice Chair Andersen said he would have the discussion first and then initiate the text amendment and conduct the Citizen's Review.

Response: Catherine Lorbeer said that would be perfect.

Vice Chair Andersen said he thought they had provided enough feedback regarding Accessory Structures and now they would discuss the next section, Covered Patios and Porches.

Comment: Carl Bloomfield said he has no discussion on it.

Comment: David Cavenee said he is in agreement with it 100%.

Comment: Joshua Oehler said he agrees with the change.

Vice Chair Andersen then asked for discussion regarding Farmers Markets as a Special Event.

Comment: David Cavenee said that they don't happen that often, so he was in agreement.

Question: Joshua Oehler asked for the definition of a Farmers Market. He said he understands what one is, but he wondered if they are clearly defined so that they are separate from a food truck market.

Question: Carl Bloomfield asked if they knew why Farmers Markets ever got to be such an onerous process to get permitted in the first place.

Answer: Keith Newman said he does not know why the Farmers Markets were required to go through Administrative Use Permit. He said it has probably been that way for a long time.

Question: David Cavenee asked who approves the Special Event permits.

Answer: Keith Newman said that Special Event permits are approved by the Parks and Recreation department.

Question: David Cavenee asked if they had faith in their ability to scrutinize the events that come through.

Answer: Keith Newman said that they currently review permits for all different types of special events.

Comment: David Cavenee said that with that in mind, he recommends they trust the Parks and Recreation department and make it easier on the public.

Comment: Joshua Oehler said he agrees about making it easier for the public, but he would still like a definition. He said he could see this being used to find a loophole. He said certain events could have a requirement that they are only held three times a year, but Farmers markets could probably be held every weekend, so he sees the potential for someone to misuse the process and sneak something through that wasn't actually a Farmers Market.

Response: Attorney Nancy Davidson read the definition as follows, "The sale of agricultural products, arts and crafts and prepared food by individual vendors in an open air market, excluding games and rides."

Comment: Joshua Oehler said he knew that they had an issue in the past where someone would have their craft fair, but neighbors would have an issue because they were drawing traffic. A craft fair was only allowed three or four times a year, but in this particular case, they were going way over the stipulation on frequency. He didn't want to open that up as a possibility and have Farmers Markets in residential neighborhoods.

Response: Attorney Nancy Davidson said that could be an included recommendation in the definition where they say "excluding food trucks."

Comment: Joshua Oehler said he wasn't concerned about the food trucks as much as he was concerned that these were actually genuine Farmers Markets and they weren't opening it up to more uses trying to get in under the Farmers Market category.



Response: Keith Newman said they would just be changing the permitting process for it. They are not proposing to change the zoning districts or where they are located.

Comment: Joshua Oehler said he completely agrees with that, but he wanted to make sure that this type of potential abuse of the permit process wasn't the reason why they have it under the Administrative Use Permit process. He said he felt understanding this information would help him make a decision about this proposed change.

Comment: David Cavenee asked Commissioner Oehler if he was just worried about abuses.

Response: Joshua Oehler answered affirmatively.

Comment: Nancy Davidson said the definition says "prepared food" so the food sold at a Farmers Market must be prepared. Food preparation would come under a completely separate category.

Comment: David Cavenee said that they must be talking about packaged foods like bags of granola and that type of thing.

Comment: Joshua Oehler said he thought they could pursue the change, but if someone started abusing the new process, they could take a second look at it.

Comment: Daniel Cifuentes said that a good friend of his runs the Gilbert Farmers Market and she has expressed in the past the difficulty she has in obtaining permits. He said that has been going on for 6-10 years and it has created a hardship for her.

Response: Nancy Davidson said that in the case of that Farmers Market, their permit is a zoning related permit, so they would be grandfathered in unless they are substantially expanding the uses. However, she said if the proposed changes go forward, it would be easier for them to follow the new permit process.

Vice Chair Andersen asked for input on Eating and Drinking Establishments.

Question: Carl Bloomfield said that in the proposed change, he noticed a sentence at the end which says "This classification may include as an incidental use an establishment licensed by the State of Arizona as a Teletrack Wagering Establishment." He asked if that was currently in the language or if that had been added.

Answer: Keith Newman said that was currently in the definition.

Question: Carl Bloomfield asked Planner Amy Temes if she had presented something about that previously.

Answer: Catherine Lorbeer said that the Commission had approved a text amendment which added the Teletrack as an incidental use to a restaurant.

Comment: David Cavenee said that he thought it was a good idea to align with the State law of 40% food.

Comment: Joshua Oehler said this would help clear up some confusion that has come up when he has done a restaurant in a different community. He pointed out that if you are over the 40%, you are considered a bar.

Question: Vice Chair Andersen asked how this is regulated. He asked if the individual establishments had to be audited.

Answer: Joshua Oehler said the State Liquor Board audits them. He said that everyone wants a restaurant liquor license, because it is significantly cheaper. He said when a restaurant is given a liquor license, the state automatically audits them over the next year to make sure the percentage between liquor sales and food sales is correct. He said if they don't meet it, the State takes away their license.

Question: Vice Chair Andersen asked what happens after they pass inspection in the first year. He wondered if they continue to audit them.

Answer: Joshua Oehler said after the first year, the audits would be random. He said they are very stringent on making sure the percentages are met, because they want that license to be just for restaurants. He said that the difference in the cost of the two licenses is the difference between \$10,000 and \$80,000.

Question: Vice Chair Andersen asked how the information would get to the Town from the State.

Answer: Keith Newman said he isn't familiar with the process at all, but he would imagine they would share the information with the Town, but he couldn't say for certain.

Question: Joshua Oehler said that he wondered if they have to approve of Class 7 or Class 12 liquor licenses.

Answer: Nancy Davidson said she knows there are certain licenses they have to approve, but she isn't sure about the Class licenses for liquor.

Comment: Joshua Oehler said that he thinks they could rely on the State doing their job and verifying the 40% factor.

Comment: Vice Chair Andersen said he was just kind of curious how all of that information gets around and how it is verified.

Vice Chair Andersen requested input on Stand Alone Smoking Lounge Definition.

Comment: Joshua Oehler said he was in agreement with this one.

Comment: David Cavenee said he also was in agreement with this one.

Question: Vice Chair Andersen said if it is already in the State law, why do they need to put it in the LDC.

Answer: Keith Newman said they wanted to make sure that the Code is clear and articulates what the State law requires.

David Cavenee made a **MOTION** to initiate a text amendment to the Land Development Code of the Town of Gilbert for Chapter 1 Zoning Regulations, Division 2 for land use designations, Section 2.106 related to accessory structures, covered patios and porches; regulations related to special events; special use regulations related to Farmers Markets and use definitions related to Eating and Drinking Establishments and Stand Alone Smoking Lounges; seconded by Greg Froehlich; motion passed unanimously.

### **Motion passed 7-0**

Vice Chair Andersen then opened up a Citizen's Review. He asked if any member of the public wished to speak on this item. Seeing none, he closed the Citizen's Review.

### **ADJOURN STUDY SESSION**

With no other business before the Commission, Vice Chair Andersen adjourned the Study Session at 8:18 p.m.

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Brian Andersen, Vice Chairman

ATTEST:

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Debbie Frazey, Recording Secretary

**TOWN OF GILBERT  
PLANNING COMMISSION REGULAR MEETING  
COUNCIL CHAMBERS  
50 E. CIVIC CENTER DRIVE  
GILBERT, AZ  
FEBRUARY 7, 2018**

**COMMISSION PRESENT:** Vice Chairman Brian Andersen  
Commissioner Carl Bloomfield  
Commissioner David Cavenee  
Commissioner Greg Froehlich  
Commissioner Brian Johns  
Commissioner Joshua Oehler  
Alternate Commissioner Seth Banda  
Alternate Commissioner Daniel Cifuentes

**COMMISSION ABSENT:** Chairman Kristofer Sippel

**STAFF PRESENT:** Gilbert Olgin, Planner II  
Keith Newman, Planner II  
Ashlee MacDonald, Senior Planner  
Amy Temes, Senior Planner  
Nathan Williams, Senior Planner  
Principal Planner Catherine Lorbeer

**ALSO PRESENT:** Council Liaison Brigitte Peterson  
Attorney Nancy Davidson  
Recorder Debbie Frazey

PLANNER	CASE	PAGE	VOTE
Amy Temes	DR17-1113	13	Approved
Catherine Lorbeer	DR17-1167	14	Approved
Amy Temes	S17-1009	13	Approved
Ashlee MacDonald	ST17-1008	14	Approved
Nathan Williams	S17-1006	13	Approved
Amy Temes	GP17-1013	14	Approved
Amy Temes	Z17-1023	14	Approved
Amy Temes	GP17-1015	14	Approved
Amy Temes	Z17-1025		
Amy Temes	GP17-1016	14	Approved
Amy Temes	Z17-1026	14	Approved

**CALL TO ORDER REGULAR MEETING**

Town of Gilbert Planning Commission  
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Vice Chair Brian Andersen called the February 7 Regular Meeting of the Planning Commission to order at 6:13 p.m.

#### **14. Discussion of Regular Meeting Agenda**

Vice Chair Andersen asked if any member of the public was in attendance that wished to speak on Items 22, 23, or 24. Seeing none, he recommended that Item 22, Item 23 and Item 24 to the Consent Agenda. He asked if that was agreeable to the other Commissioners and they were supportive of the change.

#### **ROLL CALL**

Recording Secretary Debbie Frazey called roll and a quorum was determined to be present.

#### **15. APPROVAL OF AGENDA**

Vice Chair Andersen called for a member of the Commission to approve the agenda and reminded the Commission that they were moving Items 22, 23 and 24 to the Consent Agenda. David Cavenee made a **MOTION** to move Item 22, 23 and 24 from the Non-Consent Agenda to the Consent Agenda and to approve the agenda; seconded by Joshua Oehler; motion passed unanimously.

**Motion passed 7-0**

#### **16. COMMUNICATION FROM CITIZENS.**

At this time, members of the public may comment on matters within the jurisdiction of the Town, but not on the agenda. The Commission/Board response is limited to responding to criticism, asking staff to review a matter commented upon, or asking that a matter be put on a future agenda.

Vice Chair Andersen asked if there were any members of the public who wished to speak on something that was not on the agenda. Seeing no members of the public who wished to speak, he moved on to the Public Hearing (Consent) Agenda.

#### **PUBLIC HEARING (CONSENT)**

All items listed below are considered consent calendar items and may be approved by a single motion unless removed at the request of the Commission/Board for further discussion/action. Other items on the agenda may be added to the consent calendar and approved under a single motion.

Vice Chair Andersen read the Public Hearing (Consent) Agenda as follows: Item 17, DR17-1113, Lyon's Gate; Item 18, DR17-1167, Copper Springs East; Item 19, S17-1009, Greenfield

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Ranch **with an addendum**; Item 20, ST17-1008, Lakeview Trails Southwest at Morrison Ranch; Item 21, S17-1006, Whispering Rock; Item 22, GP17-1013 Cooley Station Parcels 9, 11, 17A and 30; Item 23, GP17-1015, Cooley Station Parcel 26; and Item 24, GP17-1016, Cooley Station Parcel 27. After Vice Chair Andersen read the Consent Agenda, Attorney Nancy Davidson pointed out that Vice Chair Andersen had not read the companion cases in Items 22, 23 and 24. Vice Chair Andersen then read the following which would also be approved with the Consent Agenda: Item 22, Z17-1023, Cooley Station Parcels 9, 11, 17A and 30; Item 23, Z17-1025, Cooley Station Parcel 26; and Item 24, Z17-1026, Cooley Station Parcel 27.

**Commissioner Greg Froehlich declared a Conflict of Interest on Item 18, DR17-1167; Item 20, ST17-1008; Item 22, GP17-1013 and Z17-1023; Item 23, GP17-1015 and Z17-1025 and Item 24, GP17-1016 and Z17-1026.**

#### **PUBLIC HEARING (CONSENT)**

**17. DR17-1113, LYON'S GATE APARTMENTS PHASE 11: SITE PLAN, LANDSCAPE, GRADING AND DRAINAGE, ELEVATIONS, FLOOR PLANS, LIGHTING, COLORS AND MATERIALS FOR APPROXIMATELY 18.57 ACRES, GENERALLY LOCATED AT THE NORTHWEST CORNER OF WADE DRIVE AND WILLIAMS FIELD ROAD AND ZONED MULTI FAMILY/MEDIUM (MF/M) WITH A PLANNED AREA DEVELOPMENT (PAD) OVERLAY.**

#### **STAFF RECOMMENDATION**

Approve the Findings of Fact and approve DR17-1113, Lyon's Gate Apartments Phase 11: site plan, landscape, grading and drainage, elevations, floor plans, lighting, colors and materials for approximately 18.57 acres, generally located at the northwest corner of Wade Drive and Williams Field Road and zoned Multi Family / Medium (MF/M) with a Planned Area Development (PAD) overlay, subject to conditions:

1. Construction of the project shall conform to the exhibits approved by the Planning Commission at the February 7, 2018 public hearing.
2. The construction site plan documents shall incorporate the Standard Commercial and Industrial Site Plan Notes adopted by the Design Review Board on March 11, 2004.
3. Signage is not included in this approval. Administrative Design Review approval is required prior to submitting for sign permits.

**18. DR17-1167, COPPER SPRINGS EAST: SITE PLAN, LANDSCAPE, GRADING AND DRAINAGE, ELEVATIONS, FLOOR PLANS, LIGHTING, COLORS AND MATERIALS FOR APPROXIMATELY 7.6 ACRES, GENERALLY LOCATED AT THE NORTHEAST CORNER OF MELROSE**

**STREET AND ROME STREET AND ZONED GENERAL OFFICE (GO)  
WITH A PLANNED AREA DEVELOPMENT (PAD) OVERLAY.**

**STAFF RECOMMENDATION**

Approve the Findings of Fact and approve DR17-1167, Copper Springs East: site plan, landscape, grading and drainage, elevations, floor plans, lighting, colors and materials for approximately 7.6 acres, generally located at the northeast corner of Melrose Street and Rome Street and zoned General Office (GO) with a Planned Area Development (PAD) overlay, subject to conditions:

1. Construction of the project shall conform to the exhibits approved by the Planning Commission at the February 7, 2018 public hearing. Additionally, the Project must comply with the conditions as approved under Conditional Use Permit Case No. UP17-1035.
2. The construction site plan documents shall incorporate the Standard Commercial and Industrial Site Plan Notes adopted by the Design Review Board on March 11, 2004.
3. Along the eastern boundary of the site, a 28' foot wide private access easement (ID20) exists for the benefit of adjacent property owners. With Phase 1, the applicant shall construct the 14' wide half street along the entire eastern boundary to the agrarian standard.
4. The 20' wide access drive at the northeast corner of the site shall be a future shared access with the property to the north. The applicant shall record a shared access and construction easement with the submittal of Phase 1 construction documents.
5. Revised building elevations shall be provided to the Planning Department before or concurrent to the submittal of Phase 1 construction documents depicting/documenting that all roof-top mechanical equipment and ladders are completely concealed from public view by the parapet in compliance with the Land Development Code Section 4.105.B.1 Equipment Subject to Screening Requirements.
6. Construction document submittal for grading and drainage, site and landscape plans shall incorporate 3<sup>rd</sup> Review comments.
7. Monument and wall signage has been included in this approval and will require a sign permit prior to construction.

**19. S17-1009, GREENFIELD RANCH: REQUEST TO APPROVE THE  
PRELIMINARY PLAT AND OPEN SPACE PLAN FOR 63 SINGLE FAMILY  
HOME LOTS ON APPROXIMATELY 33.46 ACRES OF REAL PROPERTY  
GENERALLY LOCATED AT THE NORTHEAST CORNER OF**

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**GREENFIELD AND QUEEN CREEK ROADS AND ZONED SINGLE FAMILY RESIDENTIAL – 15 (SF-15 AND SINGLE FAMILY RESIDENTIAL – 10 (SF-10), ALL WITH A PLANNED AREA DEVELOPMENT (PAD) OVERLAY.**

**STAFF RECOMMENDATION (Addendum in yellow)**

Move to Approve the Findings of Fact and S17-1009, Greenfield Ranch Preliminary Plat and Open Space Plan for approximately 33.46 acres consisting of 63 single family lots, generally located at the at the northeast corner of Greenfield and Queen Creek Roads and zoned Single Family Residential – 15 (SF-15) and Single Family Residential – 10 (SF-10), all with a Planned Area Development (PAD) overlay, subject to following conditions.

1. The Final Plat and Open Space Plans for Greenfield Ranch and construction of the project shall be in substantial conformance with Exhibits 4 Preliminary Plat and 5 Open Space and Amenities, approved by the Planning Commission/ Design Review Board at the February 7, 2018 public hearing.
2. ~~The existing perimeter pipe rail fence will be left in place as requested by the adjacent neighbors, a new 6' CMU wall will be constructed adjacent to the existing pipe rail fence.~~ Developer agrees to leave the existing pipe rail fence in place where it is located on the property line or on the adjacent property owner's property. In the event the existing pipe rail fence is located on the developer's property, the developer agrees to work with the adjacent property owner to relocate the pipe rail fence onto the property line or close proximity to the property line, provided the adjacent property owner grants permission to relocate the pipe rail fence. Developer shall install a new minimum 6' CMU wall adjacent to the pipe rail fence.
3. Future proposed signage complying with the Land Development Code shall be approved administratively by Planning Staff prior to submitting for sign permits.

**20. ST17-1008, LAKEVIEW TRAILS AT MORRISON RANCH PHASE A: FOUR NEW STANDARD PLANS (145.234, 145.522, 245.2890, AND 245.3220) BY MERITAGE HOMES ON LOTS 1-79, GENERALLY LOCATED AT THE NEC OF HIGLEY ROAD AND BLOOMFIELD PARKWAY AND ZONED SINGLE FAMILY -7 (SF-7) WITH A PLANNED AREA DEVELOPMENT (PAD) OVERLAY, SUBJECT TO CONDITIONS.**

**STAFF RECOMMENDATION**

Approve the Findings of Fact and approve ST17-1008, Lakeview Trails at Morrison Ranch Phase A: four new standard plans (145.2345, 145.2555, 245.2890, and 245.3220) by Meritage Homes on Lots 1-79, generally located at the NEC of Higley Road and Bloomfield parkway and



zoned Single Family -7 (SF-7) with a Planned Area Development (PAD) overlay, subject to the following conditions:

1. All standard plans shall meet the requirements set forth in the Resolution of the Design Review Board adopting standard residential house plan conditions approved on December 14, 2000.
2. All standard plan elevations shall be built per exhibits approved by the Planning Commission/ Design Review Board as presented at the public meeting of February 7, 2018.

**21. S17-1006, WHISPERING ROCK: REQUEST TO APPROVE THE PRELIMINARY PLAT AND OPEN SPACE PLAN FOR 38 SINGLE FAMILY HOME LOTS ON APPROXIMATELY 19.4 ACRES OF REAL PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF CORONADO AND GERMANN ROADS AND ZONED SINGLE FAMILY-10 (SF-10) WITH A PLANNED AREA DEVELOPMENT (PAD) OVERLAY.**

**STAFF RECOMMENDATION**

Move to Approve the Findings of Fact and S17-1006, Whispering Rock Preliminary Plat and Open Space Plan for approximately 12.4 acres consisting of 23 single family lots, generally located at the northeast corner of Coronado Road and Germann Road zoned Single Family-10 (SF-10) with a Planned Area Development (PAD) overlay, subject to conditions.

1. The Final Plat and construction of the project shall be in substantial conformance with Exhibit 5 and Exhibit 6 approved by the Planning Commission / Design Review Board at the February 7, 2018 public hearing.
2. The existing perimeter wall will be used as is or if needed, will be repaired or replaced by the Developer in coordination with adjacent property owners.
3. All sidewalks and walkways must be designed to be ADA accessible at time of Construction Documents submittal.

**22. GP17-1013, COOLEY STATION PARCELS 9, 11, 17A AND 30: REQUEST FOR MINOR GENERAL PLAN AMENDMENT TO CHANGE THE LAND USE CLASSIFICATION OF APPROXIMATELY 35.47 ACRES CONSISTING OF APPROXIMATELY 14.66 ACRES OF GATEWAY VILLAGE CENTER AND 10.00 ACRES OF RESIDENTIAL >14-25 DU/ACRE, AND 10.81 ACRES OF RESIDENTIAL >8-14 DU/ACRE TO APPROXIMATELY 35.47 ACRES OF RESIDENTIAL > 5-8 DU/ACRE LAND USE CLASSIFICATION.**

**Z17-1023 COOLEY STATION PARCEL 9, 11, 17A AND 30: REQUEST TO AMEND ORDINANCE NOS. 1900 & 2179 PERTAINING TO THE COOLEY**

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**STATION RESIDENTIAL, OFFICE, AND SHOPPING CENTER PLANNED AREA DEVELOPMENT (PAD-ROS), ORDINANCE NOS. 2195 & 2304 PERTAINING TO THE COOLEY STATION RESIDENTIAL 2 PLANNED AREA DEVELOPMENT (PAD-2), AND ORD. NOS. 2413, 2425, 2443, 2473, 2485, 2496, 2520, 2521, 2563, & 2612 PERTAINING TO BOTH PAD-ROS AND PAD-2 BY REMOVING FROM PAD-ROS AND PAD-2 APPROX. 114.88 ACRES GENERALLY LOCATED SOUTH AND EAST OF THE SOUTHEAST CORNER OF RECKER & WILLIAMS FIELD ROADS AND CONSISTING OF APPROXIMATELY 14.66 ACRES OF GATEWAY VILLAGE CENTER (GVC), 10.00 ACRES OF MULTI-FAMILY / MEDIUM (MF/M), AND 90.22 ACES OF SINGLE FAMILY - DETACHED (SF-D) ZONING DISTRICTS, APPROVING THE DEVELOPMENT PLAN FOR THE COOLEY STATION PARCELS 9, 11, 17A, & 30 FOR APPROXIMATELY 114.88 ACRES OF SINGLE FAMILY - DETACHED (SF-D) ZONING DISTRICT WITH A PAD OVERLAY DISTRICT.**

**STAFF RECOMMENDATION**

- A. Recommend to the Town Council approval of GP17-1013, to change the land use classification of approximately 35.47 acres of real property, generally located south and east of the southeast corner of Recker and Williams Field Roads from 14.66 acres of Gateway Village Center and 10.00 acres of Residential >14-25 DU/Acre, and 10.81 acres of Residential >8-14 land use classification to approximately 35.47 acres of Residential > 5-8 DU/Acre land use classification; and
- B. For the following reasons: the development proposal conforms to the intent of the General Plan and can be appropriately coordinated with existing and planned development of the surrounding areas, and all required public notice and meetings have been held, the Planning Commission moves to recommend approval of Z17-1023, removing from the Cooley Station Planned Area Development (PAD) and rezoning approximately 114.88 acres of real property generally located south and east of the southeast corner of Recker & Williams Field Roads from approximately 14.66 acres of Gateway Village Center (GVC), 10.00 acres of Multi-Family / Medium (MF/M), and 90.22 acres of Single Family - Detached (SF-D) zoning districts with a Planned Area Development overlay to approximately 114.88 acres of Single Family - Detached (SF-D) zoning district with a Planned Area Development (PAD) overlay, subject to the following conditions.
  - a. Construction of off-site improvements/modifications to Williams Field Road, Recker Road and Somerton Boulevard/Cooley Loop East adjacent to the Property shall be completed prior to issuance of a certificate of occupancy or final approval of any [unit] or [building] constructed on the Property or at the time requested by Gilbert, whichever is earlier. If Gilbert constructs the improvements required by this ordinance as part of its capital improvements program prior to development of the Property, Developer shall reimburse Gilbert for its reasonable costs of

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construction prior to issuance of a certificate of occupancy or final approval of any unit or building constructed on the Property.

- b. Prior to the effective date of this ordinance, Developer shall enter into a Development Reimbursement and Lien Agreement agreeing that Developer will reimburse Gilbert for the costs of design and construction of off-site improvements required by this ordinance if Gilbert constructs the improvements as part of its capital improvements program. Failure by Developer to execute a Development Reimbursement and Lien Agreement prior to the effective date of this ordinance may result in reversion of the zoning to the prior zoning classification. If Developer constructs the improvements, Gilbert shall release Developer from its obligations under the Development Reimbursement Agreement.
- c. At the written request of Gilbert, Developer shall dedicate all necessary easements for the roadway improvements, including easements for drainage and retention and temporary construction easements. Failure to dedicate said easements within thirty (30) days after the date of Gilbert's written request may result in the reversion of the zoning of the Property to the prior zoning classification.
- d. Developer shall create a Homeowner's Association (HOA) or Property Owner's Association (POA) for the ownership, maintenance, landscaping, improvements and preservation of all common areas and open space areas, and landscaping within the rights-of-way.
- e. Developer shall record easements to be owned by the HOA or POA for pedestrian, bicycle, multi-use or trail system purposes as determined by the final plat, at the time of final plat recordation, or earlier if required by the Town Engineer. In recognition of the modifications to the underlying zoning regulations set forth herein, such easements shall be open to public access and use.
- f. Prior to final plat approval, Developer shall pay for its proportional share of water and sewer mains benefitting the Property, as required by the Town Engineer.
- g. The Home Builder shall disclose to the public on the final plat, including new homeowners, the daytime and nighttime noise levels naturally occurring with Union Pacific's long-standing freight rail services, as well as the pre-existing and predictably-occurring vibrations.

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- h. The Project shall be developed in conformance with Gilbert's zoning requirements for the zoning districts and all development shall comply with the Town of Gilbert Land Development Code, except as modified by the following:

<b>Development Standards</b>	<b>Proposed SF-D Parcels 9, 11, 17A and 30 (Traditional and Alley Homes)</b>
Minimum Lot Area	1,900 sf
Maximum Height	39.5'/3-story
Minimum Building Setback (ft.)	
Front	8'
Side	5'
Rear	10' to center of alley / property line
Maximum Lot Coverage (%)	65% 1-story 55% 2 and 3-story

**23. GP17-1015, COOLEY STATION PARCEL 26: REQUEST FOR MINOR GENERAL PLAN AMENDMENT TO CHANGE THE LAND USE CLASSIFICATION OF APPROXIMATELY 15.00 ACRES OF REAL PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF RECKER AND WILLIAMS FIELD ROADS FROM GATEWAY VILLAGE CENTER (GVC) TO GENERAL COMMERCIAL (GC) LAND USE CLASSIFICATION.**

**Z17-25, COOLEY STATION PARCEL 26: REQUEST TO AMEND ORDINANCE NOS. 1900 AND 2179 PERTAINING TO THE COOLEY STATION RESIDENTIAL, OFFICE, AND SHOPPING CENTER PLANNED AREA DEVELOPMENT (PAD-ROS), ORDINANCE NOS. 2195 & 2304 PERTAINING TO THE COOLEY STATION RESIDENTIAL 2 PLANNED AREA DEVELOPMENT (PAD-2), AND ORDINANCE NOS. 2413, 2425, 2443, 2473, 2485, 2496, 2520, 2521, 2563, AND 2612 BY REMOVING FROM THE COOLEY STATION PAD-ROS AND PAD-2 APPROXIMATELY 15.00 ACRES OF REAL PROPERTY, GENERALLY LOCATED AT THE NORTHWEST CORNER OF RECKER AND WILLIAMS FIELD ROADS AND CONSISTING OF APPROXIMATELY 15.00 ACRES OF GATEWAY VILLAGE CENTER (GVC) ZONING DISTRICT WITH A PLANNED AREA**

**DEVELOPMENT (PAD) OVERLAY TO APPROXIMATELY 15.00 ACRES  
OF GENERAL COMMERCIAL (GC) ZONING DISTRICT WITH A  
PLANNED AREA DEVELOPMENT (PAD) OVERLAY.**

**STAFF RECOMMENDATION**

- A. Recommend to the Town Council approval of GP17-1015, to change the land use classification of approximately 15.00 acres of real property, generally located at the northwest corner of Recker and Williams Field Roads from Gateway Village Center (GVC) to General Commercial (GC) land use classification; and
- B. For the following reasons: the development proposal conforms to the intent of the General Plan and can be appropriately coordinated with existing and planned development of the surrounding areas, and all required public notice and meetings have been held, the Planning Commission moves to recommend approval of Z17-1025 by removing from the Cooley Station PAD-ROS and PAD-2 approximately 15.00 acres of real property, generally located at the northwest corner of Recker and Williams Field Roads and consisting of approximately 15.00 Acres of Gateway Village Center (GVC) zoning district with a Planned Area Development (PAD) overlay to approximately 15.00 acres of General Commercial (GC) zoning district with a Planned Area Development (PAD) Overlay, subject to the following conditions.
- a. Dedication to the Town for Cooley Loop North and West, shown on Exhibit 4: Street Cross-Sections, shall be completed at the time of final plat recordation or sooner as required by the Town Engineer. Dedication of Cooley Loop shall extend 60 feet for full street right-of-way adjacent to the Project.
  - b. Construction of off-site improvements/modifications to Williams Field Road, Recker Road Cooley Loop North and Cooley Loop West adjacent to the Property shall be completed prior to issuance of a certificate of occupancy or final approval of any [unit] or [building] constructed on the Property or at the time requested by Gilbert, whichever is earlier. If Gilbert constructs the improvements required by this ordinance as part of its capital improvements program prior to development of the Property, Developer shall reimburse Gilbert for its reasonable costs of construction prior to issuance of a certificate of occupancy or final approval of any unit or building constructed on the Property.
  - c. Prior to the effective date of this ordinance, Developer shall enter into a Development Reimbursement and Lien Agreement agreeing that Developer will reimburse Gilbert for the costs of design and construction of off-site improvements required by this ordinance if Gilbert constructs the improvements as part of its capital

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improvements program. Failure by Developer to execute a Development Reimbursement and Lien Agreement prior to the effective date of this ordinance may result in reversion of the zoning to the prior zoning classification. If Developer constructs the improvements, Gilbert shall release Developer from its obligations under the Development Reimbursement Agreement.

- e. At the written request of Gilbert, Developer shall dedicate all necessary easements for the roadway improvements, including easements for drainage and retention and temporary construction easements. Failure to dedicate said easements within thirty (30) days after the date of Gilbert's written request may result in the reversion of the zoning of the Property to the prior zoning classification.
- f. Developer shall create a Property Owner's Association (POA) for the ownership, maintenance, landscaping, improvements and preservation of all common areas and open space areas, and landscaping within the rights-of-way.
- g. Developer shall record easements to be owned by the POA for pedestrian, bicycle, multi-use or trail system purposes as determined by the final plat, at the time of final plat recordation, or earlier if required by the Town Engineer. In recognition of the modifications to the underlying zoning regulations set forth herein, such easements shall be open to public access and use.
- h. Prior to final plat approval, Developer shall pay for its proportional share of water and sewer mains benefitting the Property, as required by the Town Engineer.
- i. The Project shall be developed in conformance with Gilbert's zoning requirements for the zoning districts and all development shall comply with the Town of Gilbert Land Development Code, except as modified by the following:

Exhibit 4: Modified Street Cross-Sections.

**24. GP17-1016, COOLEY STATION PARCEL 27: REQUEST FOR MINOR GENERAL PLAN AMENDMENT TO CHANGE THE LAND USE CLASSIFICATION OF APPROXIMATELY 15.11 ACRES OF GATEWAY VILLAGE CENTER, 6.61 ACRES OF RESIDENTIAL >8-14 DU/ACRE, AND 3.61 ACRES OF RESIDENTIAL >5-8 DU/ACRE TO APPROX. 25.33 ACRES OF GENERAL COMMERCIAL LAND USE CLASSIFICATION.**

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**Z17-1026 COOLEY STATION PARCEL 27: REQUEST TO AMEND ORDINANCE NOS. 1900 & 2179 PERTAINING TO THE COOLEY STATION RESIDENTIAL, OFFICE, AND SHOPPING CENTER PLANNED AREA DEVELOPMENT (PAD-ROS), ORDINANCE NOS. 2195 & 2304 PERTAINING TO THE COOLEY STATION RESIDENTIAL 2 PLANNED AREA DEVELOPMENT (PAD-2), AND ORD. NOS. 2413, 2425, 2443, 2473, 2485, 2496, 2520, 2521, 2563, & 2612 PERTAINING TO BOTH PAD-ROS AND PAD-2 BY REMOVING FROM PAD-ROS AND PAD-2 APPROX. 25.33 ACRES GENERALLY LOCATED AT THE SOUTHEAST CORNER OF RECKER & WILLIAMS FIELD ROADS AND CONSISTING OF APPROXIMATELY 15.11 ACRES OF GATEWAY VILLAGE CENTER (GVC) AND 10.22 ACRES OF SINGLE FAMILY - DETACHED (SF-D) ZONING DISTRICTS AMENDING TO APPROXIMATELY 25.33 GENERAL COMMERCIAL (GC) ZONING DISTRICTS WITH A PLANNED AREA DEVELOPMENT (PAD) OVERLAY.**

**STAFF RECOMMENDATION**

- A. Recommend to the Town Council approval of GP17-1016, to change the land use classification of approximately 15.11 acres of Gateway Village Center, 6.61 acres of Residential >8-14 DU/Acre, and 3.61 acres of Residential >5-8 DU/Acre to approximately 25.33 acres of General Commercial Land Use Classification; and
- B. For the following reasons: the development proposal conforms to the intent of the General Plan and can be appropriately coordinated with existing and planned development of the surrounding areas, and all required public notice and meetings have been held, the Planning Commission moves to recommend approval of Z17-1026 by removing from PAD-ROS and PAD-2 approx. 25.33 acres generally located at the southeast corner of Recker & Williams Field Roads and consisting of approximately 15.11 acres of Gateway Village Center (GVC) and 10.22 acres of Single Family - Detached (SF-D) zoning districts amending to approximately 25.33 General Commercial (GC) zoning districts with a Planned Area Development (PAD) overlay, subject to the following conditions.
  - a. Construction of off-site improvements/modifications to Williams Field Road and Recker Road adjacent to the Property shall be completed prior to issuance of a certificate of occupancy or final approval of any [unit] or [building] constructed on the Property or at the time requested by Gilbert, whichever is earlier. If Gilbert constructs the improvements required by this ordinance as part of its capital improvements program prior to development of the Property, Developer shall reimburse Gilbert for its reasonable costs of construction prior to issuance of a certificate of occupancy or final approval of any unit or building constructed on the Property.

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- b. Prior to the effective date of this ordinance, Developer shall enter into a Development Reimbursement and Lien Agreement agreeing that Developer will reimburse Gilbert for the costs of design and construction of off-site improvements required by this ordinance if Gilbert constructs the improvements as part of its capital improvements program. Failure by Developer to execute a Development Reimbursement and Lien Agreement prior to the effective date of this ordinance may result in reversion of the zoning to the prior zoning classification. If Developer constructs the improvements, Gilbert shall release Developer from its obligations under the Development Reimbursement Agreement.
- c. At the written request of Gilbert, Developer shall dedicate all necessary easements for the roadway improvements, including easements for drainage and retention and temporary construction easements. Failure to dedicate said easements within thirty (30) days after the date of Gilbert's written request may result in the reversion of the zoning of the Property to the prior zoning classification.
- d. Developer shall create a Property Owner's Association (POA) for the ownership, maintenance, landscaping, improvements and preservation of all common areas and open space areas, and landscaping within the rights-of-way.
- e. Developer shall record easements to be owned by the POA for pedestrian, bicycle, multi-use or trail system purposes as determined by the final plat, at the time of final plat recordation, or earlier if required by the Town Engineer. In recognition of the modifications to the underlying zoning regulations set forth herein, such easements shall be open to public access and use.
- f. Prior to final plat approval, Developer shall pay for its proportional share of water and sewer mains benefitting the Property, as required by the Town Engineer.

Commissioner David Cavenee made a **MOTION** to approve the following Public Hearing (Consent) Items (listed by item with Staff Recommendations above) and inclusive of Commissioner Greg Froehlich: Item 17, DR17-1113, Lyon's Gate; Item 19, S17-1009, Greenfield Ranch, inclusive of the Staff Report Addendum; Item 21, S17-1006, Whispering Rock; seconded by Carl Bloomfield; motion passed unanimously.

**Motion passed 7-0**

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Commissioner David Cavenee made a **MOTION** to approve the following Public Hearing (Consent) Items (listed by item with Staff Recommendations above) and exclusive of Commissioner Greg Froehlich: Item 18, DR17-1167, Copper Springs East; Item 20, ST17-1008, Lakeview Trails Southwest at Morrison Ranch; Item 22, GP17-1013, Cooley Station Parcels 9, 11, 17A and 30; Z17-1023, Cooley Station Parcels 9, 11, 17A and 30; Item 23, GP17-1015, Cooley Station Parcel 26; Z17-1025, Cooley Station Parcel 26; and Item 24, GP17-1016, Cooley Station Parcel 27 and Z17-1026, Cooley Station Parcel 27; seconded by Carl Bloomfield; motion passed.

**Motion passed 6-0 with Commissioner Greg Froehlich abstaining.**

### **PUBLIC HEARING (NON-CONSENT)**

Non-Consent Public Hearing items will be heard at an individual public hearing and will be acted upon by the Commission/Board by a separate motion. During the Public Hearings, anyone wishing to comment in support of or in opposition to a Public Hearing item may do so. If you wish to comment on a Public Hearing Item, you must fill out a public comment form, indicating the item number on which you wish to be heard. Once the hearing is closed, there will be no further public comment unless requested by a member of the Commission/Board.

None.

### **ADMINISTRATIVE ITEMS**

Administrative items are for the Commission/Board discussion and action. It is to the discretion of the majority of the Commission/Board regarding public input requests on any Administrative Item. Persons wishing to speak on an Administrative Item should complete a public comment form indicating the Item Number on which they wish to address. The Commission/Board may or may not accept public comment.

#### **25. Planning Commission Minutes – Consider approval of the minutes of the Study Session and Regular Meeting of January 3, 2018.**

Vice Chair Andersen asked for a motion to approve the minutes of the January 3, 2018 Planning Commission Study Session and Regular Meeting. A **MOTION** was made by David Cavenee to approve the Planning Commission minutes of January 3 2018, seconded by Joshua Oehler; motion passed unanimously.

**Motion passed 7-0**

### **COMMUNICATIONS**

#### **26. Report from Chairman and Members of the Commission on current events.**

None.

## **27. Report from Council Liaison on current events.**

Council Liaison Brigitte Peterson informed the Commission that if they hadn't yet seen the Digital State of the Town, it was available to view on the Town of Gilbert website. She said it provided a good highlight of what is going on in Gilbert. She said they are already a couple of meetings into the 2018 Heritage District Redevelopment and Master Plan Update. She said anyone wishing to be involved in that process can find information on the website at gilbertaz.gov. She said additional meetings will be posted on the website. She stated that they are also in the process of requesting proposals for a consultant for the 10 Year General Plan Update. The proposals are due back on March 1. She said that the Commission would be receiving periodic updates on the progress of the General Plan Update. She also said that she had been named Vice Mayor in mid-January.

## **28. Report from Planning Services Manager on current events.**

Principal Planner Catherine Lorbeer thanked the members of the Planning Commission for their service and for all of the feedback they provide. She said it is evident by the size of tonight's agenda that they are still receiving a large amount of activity.

## **ADJOURNMENT**

With no further business before the Planning Commission, Vice Chair Andersen adjourned the Regular Meeting at 6:23 p.m.

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Brian Andersen, Vice Chairman

ATTEST:

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Debbie Frazey, Recording Secretary